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7 Edw. 7, Ch. 29.

WITH
AN APPENDIX

OF

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together with The Patents and Designs (Amendment) Act,
1907, and Extracts from the Interpretation Act, 1899.

BY

ROBERT FROST, B.Sc. (LOND.).

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OF LINCOLN'S INN, ESQUIRE, BARRISTER-AT-LAW.

*Author of "A Treatise on the Law and Practice relating to Letters Patent
for Inventions."*

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PREFACE.



IN this book I have endeavoured to give a concise statement of the nature and effect of the alterations in, and additions to, the statute law of patents and designs, which were made by the legislature during the last session of Parliament.

I have not directly dealt with case law. About ninety-eight per cent. of the provisions of the repealed Acts and Rules relating to patents and designs are re-enacted. The case law relative to the re-embodied provisions is, as regards patents, fully treated in the recent edition of my larger book on Patent Law and Practice, to which I have given references where appropriate. So far as the new provisions are concerned there is, of course, no case law at present. The time is, therefore, not opportune for a fresh edition of my former work.

The tables in the Introduction will enable the reader, at a glance, to transpose the references in my "Patent Law and Practice" to the former Acts and Rules into terms of the present Act and Rules.

ROBERT FROST.

5, NEW COURT,
LINCOLN'S INN, W.C.
January, 1908.

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INTRODUCTION.

ON and after January 1, 1908, the Statute Law relating to Patents and Designs will be that which is contained in the Statute of Monopolies (21 Jac. 1, c. 3) and the Patents and Designs Act, 1907 (7 Edw. 7, c. 29).

In 1883 the Law relating to Patents for Inventions, Registration of Designs, and of Trade Marks, was amended and consolidated by the Patents, Designs, and Trade Marks Act, 1883 (46 & 47 Vict. c. 57). The Act of 1883 was subsequently amended, or construed, by the Patents, Designs, and Trade Marks (Amendment) Act, 1885 (48 & 49 Vict. c. 63), the Patents Act, 1886 (49 & 50 Vict. c. 37), the Patents, Designs, and Trade Marks Act, 1888 (51 & 52 Vict. c. 50), the Patents Act, 1901 (1 Edw. 7, c. 18), the Patents Act, 1902 (2 Edw. 7, c. 34), and the Trade Marks Act, 1905 (5 Edw. 7, c. 15).

The Trade Marks Act, 1905, repealed all the sections of the Acts of 1883 and 1888 which related exclusively to trade marks, and also, in so far as they related to trade marks, most of such other sections as had reference to trade marks as well as to patents and designs.

During the recent Session of Parliament a Bill was introduced to amend the Law relating to Patents and Designs. The Bill, after various alterations, passed through all its stages in both Houses, and on August 28, 1907, received the Royal assent and became the Patents and Designs (Amendment) Act, 1907 (7 Edw. 7, c. 28). On the same day the Patents and Designs Act, 1907 (7 Edw. 7, c. 29), was added to the Statute Book.

It was provided by sect. 51, sub-sect. 2 of the Patents and Designs (Amendment) Act, 1907, that that Act should, save as otherwise expressly provided, come into operation on January 1, 1908. The Act provided that certain sections should come into operation subsequently to January 1, 1908, but it did not provide that any of the sections should come into operation before that date.

The Patents and Designs Act, 1907, by sect. 99 provides that, save as otherwise expressly provided, the Act shall come into operation on January 1, 1908. Certain sections are to come into operation at a later date, but it is not provided that any section is to come into operation before January 1, 1908.

The Patents and Designs Act, 1907, repeals (*inter alia*) the whole of the Patents and Designs (Amendment) Act, 1907.

It is provided by sect. 36, sub-sect. 2 of the Interpretation Act, 1889, that when an Act passed after the commencement of that Act is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day. Since the Patents and Designs (Amendment) Act, 1907, and the Patents and Designs Act, 1907, are both expressed to come into operation on the same day, *i.e.* January 1, 1908, it, therefore, follows that the Patents and Designs (Amendment) Act, 1907, was repealed at the moment it would otherwise have come into operation, and, so, never had operative effect. This fact has an important bearing upon the construction of some of the sections of the Patents and Designs Act, 1907 (see pp. 44, 45, *post*).

The Patents and Designs Act, 1907, repeals, as from the commencement of the Act, or as from the date when certain rules come into operation (see sect. 98), the whole of the following Acts:—The Patents, Designs, and Trade Marks Act, 1883; the Patents, Designs, and Trade Marks (Amendment) Act, 1885; the Patents Act, 1886; the Patents, Designs, and Trade Marks Act, 1888; the Patents Act, 1901; the Patents Act, 1902; and the Patents and

Designs (Amendment) Act, 1907; and re-enacts them, with the exception of certain sections mentioned in the Schedule to the Patents and Designs (Amendment) Act, 1907, which would have been repealed by that Act if it had been of operative effect.

The said sections which are not re-enacted are Patents, Designs, and Trade Marks Act, 1883, sects. 17 (in part), 19, 25, 26 (in part), 29, 34 (in part), 50 (in part), 51 (in part), 54, 59, 90, 91, 98, and 106; Patents, Designs, and Trade Marks Act, 1888, sect. 24; and Patents Act 1902, sect. 3 (in part).

Thus the Patents and Designs Act, 1907, by, with a few exceptions and modifications, re-enacting all the provisions of the repealed Acts, gives operative effect to the provisions of the Patents and Designs (Amendment) Act, 1907. It is a Consolidation Act, and its full title is "An Act to consolidate the Enactments relating to Patents for Inventions and the Registration of Designs and Certain Enactments relating to Trade Marks." The "certain enactments relating to Trade Marks" are those sections of the repealed Acts which relate to Trade Marks and were not previously repealed by the Trade Marks Act, 1905.

It has not been thought desirable to discuss in this Introduction the actual details of the alterations in the law which are effected by the new Act. In the notes to each section the origin of the section is stated, and in all cases where new law is introduced it is commented upon.

By means of tabular statements it is easy to indicate where the re-enacted provisions of the various sections and sub-sections of the repealed Acts occur, and also the nature of the new provisions and where they are embodied in the new Act.

With this object in view the following tables have been prepared. Table I. shows which sections and sub-sections of the repealed Acts are reproduced and where each appears. Table II. indicates the subject-matter of each new provision, and where it is to be found in the Act, as well as the section of the repealed Patents and Designs (Amendment) Act, 1907,

by virtue of which it was added to the statute book. Table III. shows which rules of the Patents Rules, 1908, correspond to the Patent Rules, 1903 and 1905, respectively.

TABLE I.

SHOWING WHERE THE RE-ENACTED PROVISIONS OF THE
REPEALED ACTS, 1883-1902, ARE TO BE FOUND IN
THE PATENTS AND DESIGNS ACT, 1907 [7 EDW. 7,
c. 29.]

The Act of 1883, 46 & 47 Vict. c. 57.	The Act of 1907. 7 Edw 7, c. 29.	The Act of 1883, 46 & 47 Vict. c. 57.	The Act of 1907, 7 Edw. 7, c. 29.
S. 4, ss. 1 }	S. 1, ss. 1	S. 18, ss. 10	S. 21, ss. 8
" " " 2 }	" " " 2	" 19	" 22 (substituted)
" 5 " 1	" " " 3	" 20	" 23
" " " 2	" 2 " 1	" 21	" 21 (2) & 22
" " " 3	" " " 2	" 23 " 1	" 28 ss. 1
" " " 4	" " " 4	" " " 2	" " " 3
" " " 5	" 3 " 1	" " " 3	" " " 4
" 6	" 5 " "	" 24	" 65
" 8 " 1	" " " 2	" 25	" 18 <i>cf</i>
" " " 2	" 6 " 1 & 2	" 26 " 1	" 25 " 1
" 9 " 1	" " " 2, 3 (a) & 4	" " " 2	" " " "
" " " 2	" " " 4	" " " 3	" " " 2 (a)
" " " 3	" " " 5	" " " 4 (a) & (b)	" " " 3 (a) & s. 94
" " " 4	" 68	" " " 4 (c)	" " " 3 (b i.)
" " " 5	" 9	" " " (d)	" " " " (b ii.)
" 10	" 11 " 1 (a)	" " " (e)	" " " " (b iii.)
" " " 1	" " " 2 & 3	" " " 5, 6 & 7	" 98 (which see)
" " " 2	" " " 3	" 27 " 1 & 2	" 29
" " " 3 & 4	" 12 " 1	" 28 " 1, 2 & 3	" 31
" 12 " 1	" 14 " "	" 29 " 1, 2, 3, 4, 5 & 6	" 98 (which see)
" " " 2	" 12 " 2	" 30	" 34
" " " 3	" 13	" 31	" 35
" 13	" 4	" 32	" 36
" 14	" 10	" 33	" 14 ss. 2
" 15	" 14	" 34 " 1 & 2	" 43 " 1 & 2
" 16	" 17 " 1	" 35	" 15 " 1
" 17 " 1	" " " 2	" 36	" 14 " "
" " " 2, 3 & 4 (a)	" " " 3	" 37	" 44
" " " 4 (b)	" 21 " 1	" 38	" 40
" 18 " 1	" " " 2	" 39	" 45 " 1
" " " 2	" " " 3 & 5	" 40 " 1, 2 & 3	" 46 " 1, 2 & 3
" " " 3	" " " 5	" 41	" 47 1
" " " 4	" " " 4	" 42	" " " 2
" " " 5	" " " 5	" 43 " 1 & 2	" 48 " 1 & 2
" " " 6 & 7	" " " 6	" 44 " 1-12	" 30 " 1-12
" " " 8	" " " 7	" 45	" <i>cf</i> 98 " 2
" " " 9		" 46	" 93, 94, " 8

The Act of 1883, 46 & 47 Vict. c. 57.	The Act of 1907, 7 Edw. 7, c. 29.	The Act of 1883, 46 & 47 Vict. c. 57.	The Act of 1907, 7 Edw. 7, c. 29.
S. 47, ss. 1, 2 & 3	S. 49, ss. 1	S. 93	S. 89, ss. 1
" " " 4 & 5	" " " 2	" 94	" 73
" " " 6 & 7	" " " 3	" 95	" 74
" 48 " 1 & 2	" " " 1 (see notes)	" 96	" 78
" 49 " 1 & 2	" 50 " 1 & 2	" 97	" 81
" 50 " 1	" 53	" 98	" <i>cf</i> 82
" " " 2	" 54 " 1 (a)	" 99	" 83
" 51 " 1 (b)	" " " 1 (b)	" 100	" 80 " 1 & 2
" 52 " 1 & 2	" 56 " 1 & 2	" 101, ss. 1 & 2	" 86 " 1
" 53	" 57	" " " 3	" " " 2
" 54	" <i>cf</i> 58	" " " 4 & 5	" " " 3
" 55 " 1	" 52 " 1	" 102	" 76
" " " 2	" " " 3	" 103 " 1	" 91 " 1
" 56	" 65	" " " 2	" " " 2
" 57	" 59 " 1	" " " 3	" " " 3 (b)
" 58 (a)	" 60 " 1 (a)	" " " 4	" " " 4
" " (b)	" " " 1 (b) & 2	" 104 " 1	" " " 88
" 59	" <i>cf</i> 60	" " " 2	" 89 " 2
" 60	" 93	" 105 " 1	" " " 3
" 61	" 93	" " " 2	" 90
" 82 " 1	" 62 " 1	" 106	" 94 " 1
" " " 3	" " " 2	" 107	" " " 2
" " " 4	" " " 3	" 108	" " " 3
" 83 " 1 & 2	" 63 " 1 & 2	" 109 " 1 & 2	" " " 3
" 84	" 64	" 110	" 95 " 1
" 85	" 66	" 111 " 1	" 94 " 4
" 86	" 75	" 112 " 1, 2 & 3	" 95 " 2
" 87	" 71 " 1 & 3	" 114 " 1	" 96 " 1, 2 & 3
" 88	" 67	" " " 2	" 28 " 2
" 89	" 79	" 115	" 52 " "
" 90	" <i>cf</i> 72	" 116	" 98 " 1
" 91	" <i>cf</i> 70	" 117	" 92 " 1
			" 93

The Act of 1885, 48 & 49 Vict. c. 63.	The Act of 1907, 7 Edw. 7, c. 29.
S. 2	S. 1 ss. 4
" 3	" { 5 " 1
" 4	" { 6 " 5
" 5	" { 12 " 2(a),(c)
" 6	" 69
	" 1 " 1
	" 91 " "

The Act of 1886, 49 & 50 Vict. c. 37		The Act of 1907, 7 Edw. 7, c. 29.	
S. 2		S. 2	ss. 3 and Patent Rules, 1908, r. 26
" 3		" 45	" 2
		" 59	" "

The Act of 1888, 51 & 52 Vict. c. 50.		The Act of 1907, 7 Edw. 7, c. 29.		The Act of 1888, 51 & 52 Vict. c. 50.		The Act of 1907, 7 Edw. 7, c. 29.	
S. 1	ss. 1	S. 84	ss. 1	S. 6		S. 56	ss. 1
" "	" 2	" 86	" 1 (g)	" 7	ss. 1	" 60	" 1 (a)
" "	" 3	" 84	" 2	" "	" 2	" "	" 2
" "	" 4	" "	" 3	" 21		" 71	" 3
" "	" 5	" "	" 5	" 22		" 67	
" 2		" 3		" 23		" cf 72	" 1
" 3		" 68		" 24		" cf 70	
" 4		" 11	" 1 (d)	" 25		" 87	
" 5		" 21	" 8				

The Act of 1901, 1 Edw. 7, c. 18.		The Act of 1907, 7 Edw. 7, c. 29.	
S. 1	ss. 1	S. 91	ss. 1 (a)
" "	" 2	" "	" 3 (a)

The Act of 1902, 2 Edw. 7, c. 34.		The Act of 1907, 7 Edw. 7, c. 29.		The Act of 1902, 2 Edw. 7, c. 34.		The Act of 1907, 7 Edw. 7, c. 29.	
S. 1	ss. 1	S. 7	ss. 1	S. 1	ss. 10	S. 65	
" "	" 2	" "	" 2	" 2		" 41	ss. 1
" "	" 4	" 68		" 3	" 1	" 24	" 1
" "	" 5	" 7	" 3	" "	" 2	" "	" 2
" "	" 6	" "	" 4	" "	" 3	" "	" 3
" "	" 7	" "	" 5	" "	" 7	" "	" 6
" "	" 8	" 5	" 1	" 4		" 62	" 3
" "	" 9	" 7	" 6				

TABLE II.

SHOWING WHICH SECTIONS OF THE PATENTS AND DESIGNS ACT, 1907 [7 EDW. 7, c. 29], INCORPORATE THE NEW LAW INTRODUCED BY THE PATENTS AND DESIGNS (AMENDMENT) ACT, 1907 [7 EDW. 7, c. 28].

Subject.	The Act of 1907 [7 Edw. 7, c. 29].	The (Amendment) Act of 1907 [7 Edw. 7, c. 28].
PART I.		
PATENTS.		
<i>Application for and Grant of Patent—</i>		
Specifications	S. 2 ss. 1, 2 & 3	S. 2
	" " " 5	" 3
Comparison of specifications . . .	" 6 " 3	" 8
Refusal of grant in lieu of references . .	" 7 " 4	" 7
Extension of investigations . . .	" 8	" 6
New grounds of opposition . . .	" 11 " 1 (b) & (c)	" 10
Extension of period for sealing . . .	" 12 " 2 (d)	" 11, ss. 1 & 2
Date of substituted patent . . .	" 15 " 2	" 18
Single patent for cognate inventions . .	" 16 " 1 & 2	" 4
<i>Term of Patent—</i>		
Term of patent	" 17 " 2	" 12
Extension of term of patent . . .	" 18	" 17
Patents of addition	" 19	" 5
<i>Restoration of Lapsed Patents—</i>		
Restoration by comptroller . . .	" 20	" 23
<i>Amendment of Specification—</i>		
Amendment by the Court	" 22	" 13
<i>Compulsory Licences and Revocation—</i>		
Compulsory licence or revocation . .	" 24	" 16
Revocation on petition	" 25 " 2 (b)	" 25
Revocation by comptroller . . .	" 26	" 14
Working outside United Kingdom . .	" 27	" 15
<i>Crown—</i>		
Assignment to Admiralty	" 30 " 1-12	" 21, " 1
	" " " 13	" " " 2
<i>Legal Proceedings—</i>		
Counterclaim for revocation . . .	" 32	" 26
Damages	" 33	" 27
<i>Miscellaneous—</i>		
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„ 15	„ 17	„ 58	„ 89
„ 16	„ 18	„ 61	„ 92
„ 25	„ 106	„ 62	„ 93
„ 26	„ 107	„ 63	„ 91
„ 27	„ 101	„ 64	„ 94
„ 28	„ 102	„ 65	„ 96
„ 29	„ 103	„ 66	„ 52
„ 30	„ 104	„ 68	„ 53
„ 31	„ 105	„ 69	„ 68
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„ 38	„ 44	„ 75	„ 74
„ 39	„ 45	„ 76	„ 108
„ 40	„ 46	„ 77	„ 109
„ 41	„ 47	„ 78	„ 112
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Patent Rules, 1905.	Patents Rules, 1908.	Patent Rules, 1905.	Patents Rules, 1908.
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" 6	" 28	" 19	" 21
" 7	" 29	" 20	" 22
" 8	" 30	" 21	" 23
" 9	" 31	" 22	" 24
" 10	" 32	" 23	" 25
" 12	" 48	" 24	" 26
" 15	" 6		

THE PATENTS AND DESIGNS ACT, 1907.

7 EDW. 7, CH. 29.



An Act to consolidate the enactments relating to Patents for Inventions and the Registration of Designs and certain enactments relating to Trade Marks.

[28th August, 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

PATENTS.

Application for and Grant of Patent.

1.—(1) An application for a patent may be made by any ^{Application.} person who claims to be the true and first inventor of an invention, whether he is a British subject or not, and whether alone or jointly with any other person.

(2) The application must be made in the prescribed form, and must be left at, or sent by post to, the Patent Office in the prescribed manner.

(3) The application must contain a declaration to the effect that the applicant is in possession of an invention, whereof he, or in the case of a joint application one at least of the applicants, claims to be the true and first inventor, and for which he desires to obtain a patent, and must be accompanied by either a provisional or complete specification.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

12 THE PATENTS AND DESIGNS ACT, 1907. [SEC. 2

(4) The declaration required by this section may be either a statutory declaration or not, as may be prescribed.

Sub-sect. 1 was Act of 1883, sect. 4, sub-sects. 1 and 2.

Sub-sect. 2 was Act of 1883, sect. 5, sub-sect. 1. See Patents Rules, 1908, rr. 10-18.

Sub-sect. 3 was Act of 1883, sect. 5, sub-sect. 2.

Sub-sect. 4 was Act of 1885, sect. 2.

Specifications.

2.—(1) A provisional specification must describe the nature of the invention.

(2) A complete specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed.

(3) In the case of any provisional or complete specification where the comptroller deems it desirable he may require that suitable drawings shall be supplied with the specification, or at any time before the acceptance of the same, and such drawings shall be deemed to form part of the said specification.

(4) A specification, whether provisional or complete, must commence with the title, and in the case of a complete specification must end with a distinct statement of the invention claimed.

(5) Where the invention in respect of which an application is made is a chemical invention, such typical samples and specimens as may be prescribed shall, if in any particular case the comptroller considers it desirable so to require, be furnished before the acceptance of the complete specification.

Sub-sects. 1, 2, and 3 were, by the (Amendment) Act of 1907, sect. 2, substituted for sub-sects. 3 and 4 of sect. 5 of the Act of 1883.

Sub-sect. 1 is Act of 1883, sect. 5, sub-sect. 3, except that the concluding words, "and be accompanied by drawings if required," are omitted. See notes to sub-sect. 3, *infra*.

Sub-sect. 2 is Act of 1883, sect. 5, sub-sect. 4, except that the words "and must be accompanied by drawings if required," are omitted. See note to sub-sect. 3, *infra*.

Sub-sect. 3 gives the comptroller a new power, viz. when he deems it desirable, to require that suitable drawings shall be supplied with either a provisional or a complete specification, or at any time before the acceptance of the same. The comptroller formerly had statutory power only to require that the specification should be accompanied by drawings; now his power is extended to requiring the addition or

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

substitution of drawings at any time before acceptance. The object of this sub-sect. is to better enable the comptroller to ensure a lucid description of the invention and the manner in which the same is to be performed. The addition or substitution of drawings may be desirable as the investigation of the application proceeds before acceptance. See Patents Rules, 1908, rr. 19-26.

The Courts have long construed drawings attached to a specification as part of it. The words "*such drawings shall be deemed to form part of the said specification*," give statutory authority to the view formerly acted upon by the Courts. As to the relationship between drawings and the letterpress of a specification see Vol. I., pp. 287, 288.

Sub-sect. 4 is Act of 1883, sect. 5, sub-sect. 5. As to the title, see Vol. I., pp. 175-182. As to the necessity for and the requisites of a distinct statement of the invention claimed, see Vol. I., pp. 248-265.

Sub-sect. 5 is entirely new, and was introduced by the (Amendment) Act of 1907, sect. 3. See Patents Rules, 1908, r. 36. The object of giving the comptroller power to require typical samples and specimens, when desirable, is to prevent the granting of mere blocking patents. It is to enable the comptroller, on behalf of the public, to be satisfied that the alleged invention will really produce the chemical bodies stated. If a claim be allowed, which is in terms sufficiently vague to apparently include the production of a chemical body which, as a matter of fact, the applicant cannot produce by the alleged invention, the patent might be used to harass a subsequent meritorious inventor who, by a different invention, is able to produce such chemical body. When the comptroller considers it desirable to call for samples and specimens, and the applicant is unable to produce them or satisfy the comptroller that they can be produced, the comptroller can, upon report of the examiner (see sect. 3 sub-sect. 2), either refuse the application or require amendment on the ground that the specification does not fairly describe the nature of the invention. This power may enable the comptroller to prevent the dog-in-the-manger tactics which hitherto have, in some cases, been practised by patentees whose claims have been purposely drafted in language sufficiently vague to appear to claim chemical bodies which could not be produced by the alleged invention.

3.—(1) The Comptroller General of Patents, Designs, and Trade Marks (hereinafter referred to as the comptroller) shall refer every application to an examiner. Proceedings
upon applica-
tion.

(2) If the examiner reports that the nature of the invention is not fairly described, or that the application, specification,

or drawings have not been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject-matter of the invention, the comptroller may refuse to accept the application or require that the application, specification, or drawings be amended before he proceeds with the application; and in the latter case the application shall, if the comptroller so directs, bear date as from the time when the requirement is complied with.

(3) Where the comptroller refuses to accept an application or requires an amendment, the applicant may appeal from his decision to the law officer, who shall, if required, hear the applicant and the comptroller, and may make an order determining whether and subject to what conditions (if any) the application shall be accepted.

(4) The comptroller shall, when an application has been accepted, give notice thereof to the applicant.

This section comprises Act of 1883, sect. 6, and Act of 1888, sect. 2, except sub-sect. 5, which is omitted.

As to examination and acceptance of the application, see Vol. II., pp. 6-12.

Provisional
protection.

4. Where an application for a patent in respect of an invention has been accepted, the invention may during the period between the date of the application and the date of sealing such patent be used and published without prejudice to the patent to be granted for the invention; and such protection from the consequences of use and publication is in this Act referred to as provisional protection.

This is Act of 1883, sect. 14.

As to provisional protection, see Vol. I., p. 187.

Time for
leaving com-
plete specifica-
tion.

5.—(1) If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within six months from the date of the application.

Provided that where an application is made for an extension of the time for leaving a complete specification, the comptroller shall, on payment of the prescribed fee, grant an extension of time to the extent applied for but not exceeding one month.

(2) Unless a complete specification is so left the application shall be deemed to be abandoned.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

SEC. 6] THE PATENTS AND DESIGNS ACT, 1907. 15

Sub-sect. 1 comes from Act of 1883, sect. 8 (1), as amended by Act of 1902, sect. 1 (8), and extended by Act of 1885, sect. 3, which in its turn was amended by (Amendment) Act of 1907, sect. 12.

The amendment introduced by the (Amendment) Act of 1907 is that the comptroller shall, on payment of the prescribed fee, grant an extension of time to the extent applied for, but not exceeding one month; whereas formerly it was provided by Act of 1885, sect. 3, that the complete specification might be left within such extended time, not exceeding one month, as the comptroller might, on payment of the prescribed fee, allow.

Sub-sect. 2 is Act of 1883, sect. 8, sub-sect. 2.

6.—(1) Where a complete specification is left after a provisional specification, the comptroller shall refer both specifications to an examiner. Comparison of provisional and complete specification.

(2) If the examiner reports that the complete specification has not been prepared in the prescribed manner, the comptroller may refuse to accept the complete specification until it has been amended to his satisfaction.

(3) If the examiner reports that the invention particularly described in the complete specification is not substantially the same as that which is described in the provisional specification, the comptroller may—

(a) refuse to accept the complete specification until it has been amended to his satisfaction; or

(b) (with the consent of the applicant) cancel the provisional specification, and treat the application as having been made on the date at which the complete specification was left, and the application shall have effect as if made on that date:

Provided that where the complete specification includes an invention not included in the provisional specification, the comptroller may allow the original application to proceed so far as the invention included both in the provisional and in the complete specification is concerned, and treat the claim for the additional invention included in the complete specification as an application for that invention made on the date at which the complete specification was left.

(4) A refusal of the comptroller to accept a complete specification shall be subject to appeal to the law officer, who shall, if required, hear the applicant and the comptroller, and

may make an order determining whether and subject to what conditions (if any) the complete specification shall be accepted.

acceptance (5) Unless a complete specification is accepted within twelve months from the date of the application, the application shall (except where an appeal has been lodged) become void.

Provided that where an application is made for an extension of time for the acceptance of a complete specification, the comptroller shall, on payment of the prescribed fee, grant an extension of time to the extent applied for, but not exceeding three months.

Sub-sects. 1 to 3 (a), embody the provisions of Act of 1883, sect. 9, sub-sects. 1 and 2.

Sub-sect. 3 (b), and the proviso are new, and are derived from the (Amendment) Act of 1907, sect. 8. Formerly, in the event of the examiner reporting a disconformity, the comptroller was, subject to appeal to the law officer, empowered only to refuse to accept the complete specification, unless and until it was amended to his satisfaction. Now, two additional courses are open, viz. the comptroller may (1), with the consent of the applicant, treat the application as having been made on the date at which the complete specification was left, or (2) allow the original application to proceed so far as the invention included in both specifications is concerned, and treat the claim to the additional invention or inventions in the complete specification as an application made in respect thereof on the date at which the complete specification was left.

Upon the subject of allowable and non-allowable variations between the specifications, see Vol. I., pp. 188-199, and the notes to sect. 42, *post*.

Sub-sects. 4 and 5 embody Act of 1883, sect. 9, sub-sects. 2, 3, and 4, as amended by Act of 1885, sect. 3, which in its turn was amended by (Amendment) Act of 1907, sect. 8. The amendment introduced by the (Amendment) Act of 1907 is that the comptroller shall, on payment of the prescribed fee, grant an extension to the extent applied for, but not exceeding three months; whereas formerly it was provided by Act of 1885, sect. 3, that the complete specification might be accepted within such extended time, not exceeding three months, as the comptroller might, on payment of the prescribed fee, allow.

7.—(1) Where an application for a patent has been made and a complete specification has been left, the examiner

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

arch. Investigation of previous specifications in United Kingdom on applications for patents.

shall, in addition to the other inquiries which he is directed to make by this Act, make a further investigation for the purpose of ascertaining whether the invention claimed has been wholly or in part claimed or described in any specification (other than a provisional specification not followed by a complete specification) published before the date of the application, and left pursuant to any application for a patent made in the United Kingdom within fifty years next before the date of the application.

(2) If on investigation it appears that the invention has been wholly or in part claimed or described in any such specification, the applicant shall be informed thereof, and the applicant may, within such time as may be prescribed, amend his specification, and the amended specification shall be investigated in like manner as the original specification.

(3) If the comptroller is satisfied that no objection exists to the specification on the ground that the invention claimed thereby has been wholly or in part claimed or described in a previous specification as before mentioned, he shall, in the absence of any other lawful ground of objection, accept the specification.

(4) If the comptroller is not so satisfied, he shall, after hearing the applicant, and unless the objection is removed by amending the specification to the satisfaction of the comptroller, determine whether a reference to any, and, if so, what, prior specifications ought to be made in the specification by way of notice to the public.

Provided that the comptroller, if satisfied that the invention claimed has been wholly and specifically claimed in any specification to which the investigation has extended, may, in lieu of requiring references to be made in the applicant's specification as aforesaid, refuse to grant a patent.

(5) An appeal shall lie from the decision of the comptroller under this section to the law officer.

(6) The investigations and reports required by this section shall not be held in any way to guarantee the validity of any patent, and no liability shall be incurred by the Board of Trade or any officer thereof by reason of, or in connexion with, any such investigation or report, or any proceeding consequent thereon.

Search to be made among the Patent Spec. 50 years next before the date of the appln.

Amend-ment of Spec. after search.

Reference to an earlier Spec. See also rule 34

May refuse to grant a patent

appeal Search does not guarantee the validity of patent

Sub-sect. 1 is the same as Act of 1902, sect. 1, sub-sect. 1, except that the other inquiries referred to are those directed to be made by this Act and not merely those directed to be made by the Act of 1883. This alteration is necessary because this is a consolidation Act, and sect. 8 (which is sect. 6 of the (Amendment) Act of 1907) extends the scope of the inquiries directed to be made by the Acts of 1883 and 1902 respectively. See Patents Rules, 1908, rr. 28-32.

Sub-sect. 2 is Act of 1902, sect. 1, sub-sect. 2.

Sub-sect. 3 is Act of 1902, sect. 1, sub-sect. 5.

Sub-sect. 4 is Act of 1902, sect. 1, sub-sect. 6, with the addition of a proviso which is new. The proviso was added by (Amendment) Act of 1907 sect. 7. Formerly the comptroller had no statutory power to refuse the grant upon the examiner's investigation, though he had power to refuse it when, in opposition proceedings, it was established that the invention had been previously claimed.

It is to be noticed that the proviso does not give the comptroller power to refuse the grant when the invention is shown to have been wholly or in part described, but not claimed, in a complete specification not more than fifty years old. The reason for this is that Parliament did not intend to give the comptroller power to decide questions of novelty and subject matter, as distinct from prior claim, which are among the most debatable questions the courts have to determine. It is also to be noticed that the words "wholly and specifically claimed" are a direction that when it is not established that there is an entire and specific claim to the invention in a specification not more than fifty years old, the grant is to be allowed, but subject to such specific or other references to prior specifications as may be required to protect the public. The reasons for the amendment of the specification or the insertion of specific references or disclaimers upon the report of the examiner are similar to those for requiring amendment or specific references when an opponent partially establishes a case of prior claim under sect. 11, *post*, and further information upon this subject will be found at Vol. II., pp. 41-50.

Sub-sect. 5 is Act of 1902, sect. 1, sub-sect. 7.

Sub-sect. 6 is Act of 1902, sect. 1, sub-sect. 9.

Investigation
of specifica-
tions published
subsequently
to application.

8.—(1) An investigation under the last preceding section shall extend to specifications published after the date of the application in respect of which the investigation is made, and being specifications which have been deposited pursuant to prior applications; and that section shall, subject to rules under this Act, have effect accordingly.

(2) Where, on such an extended investigation, it appears that the invention claimed in the specification deposited pursuant to an application is wholly or in part claimed in any published specification deposited pursuant to a prior application, the applicant shall, whether or not his specification has been accepted or a patent granted to him, be afforded such facilities as may be prescribed for amending his specification, and in the event of his failing to do so the comptroller shall, in accordance with such procedure as may be prescribed, determine what reference, if any, to other specifications ought to be made in his specification by way of notice to the public.

Notification to the public of prior specifications which applicant can demand his specification

(3) For the purpose of this section an application shall be deemed to be prior to another application if the patent applied for when granted would be of prior date to the patent granted pursuant to that other application.

See p 20

(4) This section shall come into operation at such date as the Board of Trade may by order direct, and shall apply only to applications made after that date, and the order shall be laid before both Houses of Parliament.

The whole of this section is new, and comes from (Amendment) Act of 1907, sect. 6. See Patents Rules, 1908, rr. 33-35.

The words in sub-sect. 1, "an investigation under the last preceding section shall extend . . . and that section shall, subject to rules under this Act, have effect accordingly," show that this section is to be read with, and as extending the investigation under, the preceding sect. 7. The effect is to delay the full completion of the examiner's investigation till the expiration of the time within which a complete specification could be put in upon an application of earlier date than the applicant's, or a date earlier than that of the applicant's application could be claimed, under the provisions of sect. 91, in respect of a convention application.

Many applications are abandoned before a complete specification is put in. An abandoned provisional specification is never published (see sect. 69), and a complete specification is not published unless and until it is accepted (see sects. 9 and 69). The officials at the Patent Office cannot, in any particular case, be certain whether or not a complete specification will be put in, till seven months from the date of the application (see sect. 5, *ante*). A patent when granted usually bears the date of the application (see notes to sect. 13, *post*), but a patent granted upon a convention application under sect. 91 bears an earlier date than that of the application.

See subsection 3 of sec. 8

By sub-sect. 3 of this section, for the purposes of this section, an application is deemed to be of prior date to another application, if the patent applied for, when granted, would be of prior date to the patent granted pursuant to that other application. It will, therefore, sometimes happen that the complete specification of one applicant will be accepted, and, it may be, a patent granted upon it, before the complete specification of a prior applicant, within the meaning of this section, can be considered by the examiner. In such a case, if the specification of the prior applicant, wholly or in part, claims or describes something which is claimed by the subsequent applicant, and if the subsequent applicant does not amend his specification accordingly, this sub-section gives the comptroller power to insert in the specification of the subsequent applicant a reference to the specification of the prior applicant; and the comptroller is empowered to do this, notwithstanding that the specification of the subsequent applicant has been accepted, or a patent has been granted upon it. If the patent has been granted to the subsequent applicant, the comptroller, obviously, cannot refuse to grant it in lieu of ordering a reference, and neither this nor the preceding section gives him power to revoke the patent upon the ground of the prior grant to the prior applicant. Since this section and the preceding section are to be read as one, it apparently follows that an acceptance under sect. 7, sub-sect. 3, is only provisional, and if, upon an extension of the investigation by virtue of the present section, after such provisional acceptance and before the grant of the patent, it appears that the invention has been wholly or in part claimed in the published complete specification of a prior applicant within the meaning of this section, the comptroller is empowered by the proviso to sect. 7, sub-sect. 4, to refuse the grant in lieu of ordering a reference.

It is to be observed that if the complete specification of a prior applicant, within the meaning of this section, describes or claims an invention other than that described in the provisional specification, and such other invention forms the subject of the application made by the subsequent applicant in the interval between the leaving of the prior applicant's provisional and complete specifications respectively, the subsequent applicant could oppose the grant to the prior applicant under sect. 11, sub-sect. 1 (*d*), and so avoid a reference to the prior specification in respect of such other invention.

The references which are ordered in the cases indicated by this section are mere references by way of notice to the public and not disclaimers (see Patents Rules, 1908, r. 34); because the prior grant to the prior applicant may well be invalid, and the grant to the subsequent applicant may be valid, in which case the later grant will not be affected by the prior invalid grant, the specification of

which was not published till after the date of the subsequent application. As to prior grant, see Vol. I., pp. 404-405.

No date has yet been fixed under sub-sect. 4.

9. On the acceptance of the complete specification the comptroller shall advertise the acceptance; and the application and specifications with the drawings (if any) shall be open to public inspection.

Advertisement on acceptance of complete specification.

This is Act of 1883, sect. 10.

10. After the acceptance of a complete specification and until the date of sealing a patent in respect thereof, or the expiration of the time for sealing, the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the acceptance of the complete specification. Provided that an applicant shall not be entitled to institute any proceeding for infringement until a patent for the invention has been granted to him.

Effect of acceptance of complete specification.

This is Act of 1883, sect. 15. See Vol. I., p. 383.

11.—(1) Any person may at any time within two months from the date of the advertisement of the acceptance of a complete specification give notice at the Patent Office of opposition to the grant of the patent on any of the following grounds:—

Opposition to grant of patent.

I wait 2 months

- (a) that the applicant obtained the invention from him, or from a person of whom he is the legal representative; or
- (b) that the invention has been claimed in any complete specification for a British patent which is or will be of prior date to the patent the grant of which is opposed, other than a specification deposited pursuant to an application made more than fifty years before the date of the application for such last-mentioned patent; or
- (c) that the nature of the invention or the manner in which it is to be performed is not sufficiently or fairly described and ascertained in the complete specification; or
- (d) that the complete specification describes or claims an invention other than that described in the

As patent may be applied for before that is more than 50 years before the date of the appln.

provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification,

but on no other ground.

(2) Where such notice is given the comptroller shall give notice of the opposition to the applicant, and shall, on the expiration of those two months, after hearing the applicant and the opponent, if desirous of being heard, decide on the case.

(3) The decision of the comptroller shall be subject to appeal to the law officer, who shall, if required, hear the applicant and the opponent, if the opponent is, in his opinion, a person entitled to be heard in opposition to the grant of the patent, and shall decide the case; and the law officer may, if he thinks fit, obtain the assistance of an expert, who shall be paid such remuneration as the law officer with the consent of the Treasury may determine.

See Patents Rules, 1908, rr. 40-47. The ground of opposition (a) is the same as the first ground of opposition mentioned in Act of 1883, sect. 11, sub-sect. 1. For further information on this ground of opposition, see Vol. II., pp. 30-34.

The grounds of opposition (b) and (c) were by (Amendment) Act of 1907 substituted for the second ground of opposition mentioned in Act of 1883, sect. 11, sub-sect. 1. The difference between these and the ground for which they are substituted, is apparent, when it is remembered that that ground was "that the invention has been patented in this country on an application of prior date." Now the opponent is not only entitled to rely on the invention having been patented (*i.e.* claimed, see Vol. II., p. 37) on an application of prior date, but he is entitled to allege that it has been claimed in any complete specification for a British patent which is, or will be, of prior date to the applicant's patent, other than a specification deposited pursuant to an application more than fifty years before the date of the application which is opposed; or he may allege that the nature of the invention or the manner in which it is to be performed is not sufficiently or fairly described and ascertained in the complete specification. It is to be noticed that the ground (b) is the old second ground of opposition, but extended as regards patents which will be of prior date, and limited as regards patents which are more than fifty years old at the date of the application which is opposed.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

The ground of opposition (*d*) is the same as the third ground mentioned in Act of 1883, sect. 11, sub-sect. 1, as amended by Act of 1888, sect. 4. For further information as to this ground, see Vol. II., pp. 50-51.

It is clear that the old grounds of opposition (*a*) and (*d*) are not open to any person, but only to particular persons specified who have a special interest in opposing the grant.

It is not quite so clear whether the words "any person" with which the section commences, when applied to the grounds of opposition (*b*) and (*c*) include any person generally, or are limited to persons having a special interest. It was decided that the old ground of opposition, which, extended and limited as above stated, is now represented by (*b*), was not open to any person generally, but only to persons, whether as original owners, assignees, or otherwise, having a direct interest in opposing the grant (see Vol. II. pp. 34-35). The *ratio decidendi* (viz. that the words "if the opponent is, in his opinion, a person entitled to be heard" which occur in sub-sect. 3, *post*, point to persons who are not entitled to be heard) of the cases upon the old ground of opposition are equally applicable to the new ground (*b*), and it is, therefore, to be assumed that this ground is only open to persons having a direct interest. As to the ground of opposition (*c*) it is apparent that there may be persons who have a direct interest in preventing the grant on the ground of insufficient description, *e.g.* a prior (actual or prospective) patentee, when the applicant's specification is sufficiently vague to be capable of a construction which would include something within the prior claim; or a manufacturer who is actually making, or *bonâ fide* proposing to make, something which is old, and yet, by virtue of the applicant's insufficient description, might possibly be held to come within his claim; or a person who is *bonâ fide* desirous of embarking on the manufacture of the invention as a licensee (compulsory or otherwise), but is unable to appreciate, from the description given in the specification, the manner in which the invention is to be performed. The reasons upon which the constituted tribunals held that the old ground of opposition based on prior claim was only open to persons having a direct interest in stopping the grant are equally applicable to the new ground (*c*). It will probably be held that this new ground (*c*) is not open to any person, but only to any person who has a direct interest. Ever since the Act of 1852, up to the passing of this Act, it has been competent to an applicant to question the *locus standi* of an opponent on any authorised ground of opposition. Since this Act does not define the term "any person" as used in the section, it is likely that the term will, in accordance with the well-established

rule, be construed as bearing the limited meaning which the decided cases under the older and consolidated Acts put upon it.

Sub-sects. 2 and 3 comprise Act of 1883, sect. 11, sub-sects. 2, 3, and 4.

The comptroller and law officer are not bound to refuse the grant of a patent on an opposed application, even if the ground of opposition is proved. It is only in cases which are absolutely clear that the grant is refused (see Vol. II., pp. 28-29). In the majority of cases the grant is allowed, but subject to such modifications of the specification, references, and disclaimers as may be required to protect the opponent and the public. As to the general principles upon which amendments, references, and disclaimers are ordered in opposition proceedings, see Vol. II., pp. 41-50.

Grant and
sealing of
patent.

12.—(1) If there is no opposition, or, in case of opposition, if the determination is in favour of the grant of a patent, a patent shall, on payment of the prescribed fee, be granted to the applicant, or, in the case of a joint application, to the applicants jointly, and the comptroller shall cause the patent to be sealed with the seal of the patent office.

(2) A patent shall be sealed as soon as may be, and not after the expiration of fifteen months from the date of application, provided that—

- (a) Where the comptroller has allowed an extension of the time within which a complete specification may be left or accepted, a further extension of four months after the said fifteen months shall be allowed for the sealing of the patent:
- (b) Where the sealing is delayed by an appeal to the law officer, or by opposition to the grant of the patent, the patent may be sealed at such time as the law officer may direct:
- (c) Where the patent is granted to the legal representative of an applicant who has died before the expiration of the time which would otherwise be allowed for sealing the patent, the patent may be sealed at any time within twelve months after the date of his death:
- (d) Where in consequence of the neglect or failure of the applicant to pay any fee a patent cannot be sealed within the period allowed by this section, that

period may, on payment of the prescribed fee and on compliance with the prescribed conditions, be extended to such an extent as may be prescribed, and this provision shall, in such cases as may be prescribed and subject to the prescribed conditions, apply where the period allowed for the sealing of the patent has expired before the commencement of this Act.

period may be indefinitely extended in certain circumstances

Sub-sect. 1 comprises Act of 1883, sect. 12, sub-sect. 1.

In sub-sect. 2 the proviso (a) is Act of 1885, sect. 3; the proviso (b) is Act of 1883, sect. 12, sub-sect. 3 (a); and the proviso (c) comprises Act of 1883, sect. 12, sub-sect. 3 (b), and Act of 1885, sect. 3.

The proviso (d) is new, and was introduced by the (Amendment) Act of 1907, sect. 11, sub-sects. 1 and 2. The Act of 1902, sect. 1, sub-sect. 10, provided that the Board of Trade, with the sanction of the Treasury, might prescribe an additional fee, not exceeding one pound, in respect of the investigation mentioned in that section, which should be payable on the sealing of the patent. Rule 12 of the Patent Rules, 1905, which was made in pursuance of sect. 1, sub-sect. 9, of the Act of 1902, provided that if the applicant for a patent desired to have a patent sealed on his application, he must, on or before the last day on which a patent could be lawfully sealed, pay the prescribed sealing fee; and if such fee were not paid, no patent should be sealed; and the prescribed sealing fee should be paid by leaving at the patent office Form X. in the second schedule to the Rules, duly stamped. It was found in practice that many applicants omitted to apply for the seal on Form X. till too late, and the present proviso (d) was introduced by (Amendment) Act of 1907, sect. 11, sub-sects. 1 and 2, to relieve any future applicant who may neglect or fail to pay the fee at the proper time.

For further information on the subject of sealing the patent, see Vol. II., pp. 51-53.

13. Except as otherwise expressly provided by this Act, ^{Date of patent} a patent shall be dated and sealed as of the date of the application; provided that no proceedings shall be taken in respect of an infringement committed before the publication of the complete specification.

This is Act of 1883, sect. 13, with the addition of the words "except as otherwise expressly provided by this Act" at the com-

mencement, and the omission of a second proviso, which was in the terms "Provided also, that in case of more than one application for a patent for the same invention, the sealing of a patent on one of those applications shall not prevent the sealing of a patent on an earlier application." This proviso was unnecessary in the Act of 1883, and its omission in the present Act causes no alteration in the law.

The addition of the words "except as otherwise expressly provided by this Act" was necessary, because this is a consolidation Act, and it was otherwise provided as regards certain patents by the (Amendment) Act of 1907 (see notes to sect. 15, sub-sec. 15, sect. 18, sub-sec. 5, and sect. 19, sub-sections. 1 and 3 of this Act).

Effect, extent,
and form of
patent.

14.—(1) A patent sealed with the seal of the Patent Office shall have the same effect as if it were sealed with the Great Seal of the United Kingdom, and shall have effect throughout the United Kingdom and the Isle of Man.

Provided that a patentee may assign his patent for any place in or part of the United Kingdom, or Isle of Man, as effectually as if the patent were originally granted to extend to that place or part only.

(2) Every patent may be in the prescribed form and shall be granted for one invention only, but the specification may contain more than one claim; and it shall not be competent for any person in an action or other proceeding to take any objection to a patent on the ground that it has been granted for more than one invention.

Sub-sec. 1 comprises Act of 1883, sect. 12, sub-sec. 2, together with Act of 1883, sect. 16, and Act of 1883, sect. 36, which latter constitutes the proviso.

Sub-sec. 2 is Act of 1883, sect. 33, see sect. 16. At the date of the passing of this Act the prescribed form was Form W. in the second schedule to the Patent Rules, 1903. The same form is now Form A. in the third schedule to the Patents Rules, 1908. For information and decided cases upon the subject of what constitutes one invention within the meaning of this sub-section, see Vol. II., pp. 9-11.

Fraudulent
applications
for patents.

15.—(1) A patent granted to the true and first inventor shall not be invalidated by an application in fraud of him, or by provisional protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of provisional protection.

(2) Where a patent has been revoked on the ground of

fraud, the comptroller may, on the application of the true inventor made in accordance with the provisions of this Act, grant to him a patent in lieu of and bearing the same date as the patent so revoked :

Provided that no action shall be brought for any infringement of the patent so granted committed before the actual date when such patent was granted.

Sub-sect. 1 is Act of 1883, sect. 35.

Sub-sect. 2 is Act of 1883, sect. 26, sub-sect. 8, as amended by the (Amendment) Act of 1907, sect. 18.

The amendment consists of the substitution of the words, "the patent so revoked : Provided that no action shall be brought for any infringement of the patent so granted committed before the actual date when such patent was granted," for the following words at the end of Act of 1883, sect. 26, sub-sect. 8, viz. "the date of revocation of the patent so revoked, but the patent so granted shall cease on the expiration of the term for which the revoked patent was granted."

Thus the new patent will now, as formerly, terminate on the expiration of the term for which the revoked patent was granted, for the term is fourteen years from the common date. The proviso precludes the defrauded patentee from recovering compensation in respect of infringements prior to the actual date when the patent is granted to him, which may be a considerable time after the revocation ; whereas formerly he could recover in respect of infringements before that date. The rules do not provide any special form for applications under this section.

Formerly it was possible that the defrauded inventor might be ousted by another meritorious and independent inventor, who had applied for a patent for the same invention after the date of the revoked patent but before the date of its revocation. The present amendment in the law is intended to protect the first and true inventor from such a catastrophe.

16.—(1) Where the same applicant has put in two or more provisional specifications for inventions which are cognate or modifications one of the other, and has obtained thereby concurrent provisional protection for the same, and the comptroller is of opinion that the whole of such inventions are such as to constitute a single invention and may properly be included in one patent, he may accept one complete specification in respect of the whole of such applications and grant a single patent thereon.

Single patent
for cognate
inventions.

(2) Such patent shall bear the date of the earliest of such

applications, but in considering the validity of the same and for the purpose of the provisions of this Act with respect to oppositions to the grant of patents, the court or the comptroller, as the case may be, shall have regard to the respective dates of the provisional specifications relating to the several matters claimed therein.

This section is entirely new, and was introduced by the (Amendment) Act of 1907, sect. 4.

The effect of this section is to somewhat modify sect. 14, sub-sect. 2 of this Act, which was sect. 33 of the Act of 1883. In virtue of the present section, it is competent to the comptroller to allow one patent for several inventions, provided that they are of a cognate nature or modifications one of the other. By virtue of the old provisions now contained in sect. 14, sub-sect. 2 of this Act, any patent which, as a fact, is allowed, notwithstanding that it is for more than one invention, cannot be questioned upon that ground.

The applicant will be required to satisfy the comptroller that the inventions are cognate to or modifications one of the other. It would, therefore, appear that the test of one general object will be the true test to apply (cf. Vol. II., p. 11). Otherwise it is difficult to interpret the idea contained in sub-sect. 1 of several inventions being a single invention. See sect. 14.

There is nothing in this section, or in any other part of this Act, to negative the proposition that, in the event of a patent being granted for several inventions which are cognate or modifications one of the other, and it being proved that as regards one of the inventions, there is a good objection to validity, on the ground of want of subject-matter, novelty, insufficient specification, or any other cause, the whole patent will be void; and the patentee will incur the risk of being unable to obtain damages in respect of infringement of any of the other inventions committed before amendment of his specification by the disclaimer of the invalidating invention (see sect. 23, *post*). The foregoing consideration is sufficient to indicate that, in some cases, patentees who avail themselves of the provisions of this section will find it anything but a blessing. An applicant who, during the course of his application, conceives modifications and variations of his original idea, which may constitute one invention with, or be different inventions but cognate to, or modifications of, the original invention, must ponder carefully before he decides to avail himself of the provisions of this section, or to ask that the modifications be considered as one invention with the original under sect. 14, sub-sect. 2, or to apply for patents of addition

under sect. 19, or to apply for separate patents altogether. The questions of policy which will arise under such circumstances are too many and complicated for general discussion here. Each case will require careful consideration as it arises.

Because of the provisions of sub-sect. 2, it will probably become the practice for all the provisional specifications, identified by the respective dates upon which they were put in, to be published and issued with the complete specification.

Probably it will be held competent to an applicant, whose complete specification has been accepted, to apply under this section to have his complete specification cancelled, so as to allow of the inclusion of an invention which is cognate to, or a modification of, the original, provided that the patent can be sealed within the prescribed time (see sect. 12, *ante*) from the date of the original application for the patent.

Term of Patent.

17.—(1) The term limited in every patent for the duration thereof shall, save as otherwise expressly provided by this Act, be fourteen years from its date. Term of patent.

(2) A patent shall, notwithstanding anything therein or in this Act, cease if the patentee fails to pay the prescribed fees within the prescribed times; provided that the comptroller, upon the application of the patentee, shall, on receipt of such additional fee, not exceeding ten pounds, as may be prescribed, enlarge the time to such an extent as may be applied for but not exceeding three months.

(3) If any proceeding is taken in respect of an infringement of the patent committed after a failure to pay any fee within the prescribed time, and before any enlargement thereof, the Court before which the proceeding is proposed to be taken may, if it thinks fit, refuse to award any damages in respect of such infringement.

Sub-sect. 1 is Act of 1883, sect. 17, sub-sect. 1, except that the words, "save as otherwise expressly provided by this Act" are added. This addition is necessary because this is a consolidation Act, and it was otherwise expressly provided, as regards certain patents, by the (Amendment) Act of 1907 (see notes to sect. 18, sub-sect. 5, and sect. 19, sub-sects. 1 and 3 of this Act).

Sub-sect. 2 embodies Act of 1883, sect. 17, sub-sects. 2, 3, and 4 (a), as amended by (Amendment) Act of 1907, sect. 12. The

amendment is that the comptroller shall, on payment of the prescribed fee, grant an extension to the extent applied for, but not exceeding three months; whereas formerly it was provided by Act of 1883, sect. 17, sub-sects. 3 and 4, that the comptroller should, on payment of the prescribed fee, enlarge the time, if he was satisfied that the failure to pay the fees arose from accident, mistake, or inadvertence, and the enlargement should not in any case be more than three months. It is therefore no longer necessary for an applicant for extension of time to establish any reason for not having paid the fee within the prescribed period.

Sub-sect. 3 is Act of 1883, sect. 17, sub-sect. 4 (b). There is no reported instance of the Court having acted upon the provisions of this sub-section.

Extension of
term of patent.

18.—(1) A patentee may, after advertising in manner provided by rules of the Supreme Court his intention to do so, present a petition to the Court praying that his patent may be extended for a further term, but such petition must be presented at least six months before the term limited for the expiration of the patent.

(2) Any person may give notice to the Court of objection to the extension.

(3) On the hearing of any petition under this section the patentee and any person who has given such notice of objection shall be made parties to the proceeding, and the comptroller shall be entitled to appear and be heard, and shall appear if so directed by the Court.

(4) The Court, in considering its decision, shall have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case.

(5) If it appears to the Court that the patentee has been inadequately remunerated by his patent, the Court may by order extend the term of the patent for a further term not exceeding seven, or, in exceptional cases, fourteen years, or may order the grant of a new patent for such term as may be specified in the order, and containing any restriction, conditions, and provisions the Court may think fit.

This section is entirely new, and was substituted for Act of 1883, sect. 25, by the (Amendment) Act of 1907, sect. 17.

The section merely alters the tribunal before which proceedings for extension of the term of a patent are to be taken, and provides

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

for some consequent necessary alterations in details of procedure. The object of the alteration is to cheapen the cost of obtaining an extension.

Formerly the petition was presented to the Sovereign in Council and heard by the Judicial Committee of the Privy Council, who, if satisfied that the patentee had been inadequately remunerated, reported to the Sovereign accordingly, and the extension recommended by the Committee was granted as a matter of course.

Sub-sect. 1 is the equivalent of sub-sect. 1 of sect. 25 of Act of 1883, the Court being substituted for the Sovereign in Council. The Court in this section means such Judge of the High Court as the Lord Chancellor may select for the purpose, and his decision is final (see notes to sub-sects. 25 and 92).

Sub-sect. 2 is the equivalent of sub-sect. 2 of sect. 25 of Act of 1883, notice of objection taking the place of a caveat.

Sub-sect. 3 is the equivalent of sub-sect. 3 of sect. 25 of Act of 1883, together with rule 14 of Privy Council Rules, 1903, except that the present sub-section provides that the comptroller may be heard, whereas the rule 14 provided that the Attorney General, or other counsel on behalf of the Crown, might be heard.

If the Crown is not represented at the hearing by the Attorney General or other counsel, under the rules of the Supreme Court, the comptroller will, presumably, discharge the same duties and have the like privileges as the Attorney General or other counsel on behalf of the Crown in the past.

Sub-sect. 4 is the exact equivalent of sub-sect. 4 of sect. 25 of Act of 1883.

Sub-sect. 5 is the equivalent of sub-sect. 5 of sect. 25 of Act of 1883, the extension now being obtained on order of the Court instead of report of the Judicial Committee.

The Act of 1883, sect. 25, sub-sects. 6 and 7, authorised the making of rules of procedure and practice on petition and gave the Judicial Committee power to award costs in their discretion. In future, rules of the Supreme Court will take the place of rules under Act of 1883, sect. 25, sub-sect. 17 (see sub-sect. 1, above).

The grounds and conditions upon which, and the periods for which, extension of the term of a patent may be obtained remain the same as formerly.

It is to be noted that sect. 31, which deals with the hearing of certain matters by the Court with the aid of an assessor, does not apply to the hearing of a petition under this section, whereas, under the provisions of the corresponding section of the Act of 1883, the Judicial Committee of the Privy Council has a statutory power to call in the aid of an assessor (see notes to sect. 31).

The reader who bears in mind the above observations and consults Vol. II., pp. 157-194, will find the subject of extension of term of patent, together with the case law, treated in detail.

Patents of
addition.

19.—(1) Where a patent for an invention has been applied for or granted, and the applicant or the patentee, as the case may be, applies for a further patent in respect of any improvement in or modification of the invention, he may, if he thinks fit, in his application for the further patent, request that the term limited in that patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired.

(2) Where an application containing such a request is made, a patent (hereinafter referred to as a patent of addition) may be granted for such term as aforesaid.

(3) A patent of addition shall remain in force so long as the patent for the original invention remains in force, but no longer, and in respect of a patent of addition no fees shall be payable for renewal.

(4) The grant of a patent of addition shall be conclusive evidence that the invention is a proper subject for a patent of addition, and the validity of the patent shall not be questioned on the ground that the invention ought to have been the subject of an independent patent.

The whole of this section is new, and was introduced by the (Amendment) Act of 1907, sect. 5.

The improvement or modification referred to in sub-sect. 1 must in itself, and independently of the invention upon which it is an improvement or modification, be an invention, because the Crown can only grant the patent for an invention (see Statute of Monopolies, sect. 6; Vol. i. chap. ii.). Further, in sub-sect. 4 of this section, the term used is "the invention," and under sect. 1, sub-sect. 3, the applicant must make a declaration to the effect that he is in possession of an invention for which he desires to obtain a patent.

Probably it will be held that the test of "one general object" is the true test to apply to ascertain whether the invention is proper subject-matter for a patent of addition under this section (cf. notes to sect. 16, *ante*); though, as specially provided in sub-sect. 4, if once a patent of addition is granted, it is not competent to question it on the ground that it is not proper subject for a patent of addition and ought to have been subject of an independent patent.

If the original patent has been only applied for and not granted, the applicant should apply under sub-sect. 1 that the term of the patent of addition be the same as the original, and so minimise the risk of attack on the ground of personal publication (see notes to sect. 41). Probably, if the original patent has been granted, the patent of addition will be dated as of the day of application for the patent of addition, and for the unexpired term of the original patent.

Probably the true construction of the words, "a patent of addition shall remain in force so long as the patent for the original invention remains in force and no longer," which occur in sub-sect. 3, is that the patent of addition shall not remain in force longer than that for the original invention, or during any period during which the patent for the original invention is not in force. This would appear to be so from the consideration that there is nothing in the Act which renders the patent of addition free from attack upon any of the grounds upon which the validity of an independent patent could be questioned. If the original patent is revoked or lapses, the patent of addition is no longer in force, though in the case of a lapse of the original, both patents could probably be restored, if, where the provisions of sect. 20 apply to the original patent, the patentee takes advantage of that section. A judgment for the defendant in an infringement action on the original patent which is based on the ground of invalidity of the patent, does not absolutely annul the patent (see Vol I., p. 308). But unless and until the judgment of the Court is reversed or overruled by a Court of competent jurisdiction, or the specification is amended so as to remove the ground on which the Court held the patent bad, the original patent is not enforceable, and, possibly, within the meaning of sub-sect. 3 it would not be "in force." On the other hand, it may be that the original patent "remains in force" within the meaning of the section so long as it is not actually revoked or has not lapsed. The section is not clear on the point, and will, no doubt, be the subject of judicial interpretation in due course.

Whether, in a particular case, it will be good policy for the inventor to avail himself of the provisions of this section may be a difficult question and require careful consideration. Though procedure under this section may be economical by virtue of the latter part of sub-sect. 3, it will not always be wise (cf. notes to sect. 16).

Restoration of Lapsed Patents.

20.—(1) Where any patent has become void owing to the failure of the patentee to pay any prescribed fee within the prescribed time, the patentee may apply to the comptroller in

Restoration of
lapsed patents.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

the prescribed manner for an order for the restoration of the patent.

(2) Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the prescribed fee.

(3) If it appears from such statement that the omission was unintentional and that no undue delay has occurred in the making of the application, the comptroller shall advertise the application in the prescribed manner, and within such time as may be prescribed any person may give notice of opposition at the Patent Office.

(4) Where such notice is given the comptroller shall notify the applicant thereof.

(5) After the expiration of the prescribed period the comptroller shall hear the case and, subject to an appeal to the court, issue an order either restoring the patent or dismissing the application: Provided that in every order under this section restoring a patent such provisions as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent had been announced as void in the illustrated official journal.

This section is new, and constituted sect. 33 of the (Amendment) Act of 1907. It applies to patents whether granted before or after January 1, 1907 (see sect. 98, sub-sect. 2). The procedure is regulated by Patents Rules, 1908, rr. 55-59. Formerly, the only means of restoring a patent which had lapsed, owing to the failure of the patentee to pay a fee within the prescribed time, was a private Act of Parliament, which entailed great expense.

The conditions imposed by this section are very similar to the circumstances which it was necessary to establish in order to succeed in obtaining a private Act. By virtue of sub-sect. 2 the applicant under this section must state the circumstances which led to the omission and, by virtue of the subsequent sub-sects. 3, 4 and 5, where it appears that the omission was unintentional and there has been no undue delay in making the application, the comptroller is empowered, subject to appeal to the Court, to issue an order restoring the patent. Hitherto there was not much chance of obtaining a private Act of Parliament if the patentee was unable to establish that the failure was owing to some personal misfortune, such as illness, or the fraud of his agent, or, in the case of a Convention patentee, the non-receipt of a notice from his British agent of a fee

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falling due. Mere neglect on the part of the patentee or his agent was a very unfavourable circumstance. A patentee's position in the matter of obtaining restoration is, thus, much improved by the statutory provision that if the omission was unintentional, an order restoring the patent on the prescribed provisions may be issued.

An opponent under sub-sect. 3 will not be certain of complete success unless he can show that the omission was intentional or that there was an undue delay in making the application. The main object of opposition, in many cases, will be to obtain special terms in the order for the benefit of the opponent. It was usual for a private Act of Parliament restoring a lapsed patent to contain clauses protecting persons who might have availed themselves of the subject-matter of the patent after it had been announced as void in the official illustrated journal.

The expression, "the Court," in sub-sect. 5, means such judge of the High Court as the Lord Chancellor may select for the purpose of hearing the appeal (see sect. 92, sub-sect. 2, and notes to sect. 25).

The following clause, taken from a recent Act, viz. Vauclain's Patent Act, 1906, will serve to illustrate the nature of the provisions which will, under the proviso of sub-sect. 5, be inserted in orders restoring patents under this section :—

"2. No action or other proceeding shall be commenced or prosecuted nor any damages recovered :

"(1) In respect of any infringement of the said Letters Patent which shall have taken place after the fifteenth day of February, one thousand nine hundred and five (being the day on which the Letters Patent were announced as void in the Official Journal of the Patent Office) and before the passing of this Act ;

"(2) In respect of the use or employment at any time hereafter of any mechanism, machine, machinery, process or any operation actually made or carried on within the United Kingdom and the Isle of Man, or of the use or sale of any article manufactured or made in infringement of the said Letters Patent after the said fifteenth day of February, one thousand nine hundred and five, and before the passing of this Act : Provided that such use, sale or employment is by the person or corporation by or for whom such machine or machinery or article was *bond fide* manufactured or made, or such mechanism, machine, machinery, process, or operation was *bond fide* made or carried on, his or their executors, administrators, successors, or vendees or his or their assigns respectively ;

"(3) In respect of the use or employment or sale at any time hereafter by the person or corporation entitled for the time being under the preceding sub-section to use or employ any machine, machinery, mechanism, process or operation, or any improved,

extended or developed machine, machinery, mechanism, process or operation, or of the use or sale of any article thereby manufactured or made in infringement of the said Letters Patent: Provided that the use or employment of such improved, extended or developed machine, machinery, mechanism, process or operation shall be limited to the buildings, works or premises of the person or corporation by or for whom such machine, machinery or mechanism was manufactured or such process or operation was made or carried on within the meaning of the preceding sub-section, his or their executors, administrators, successors or assigns.

“If any person shall within one year after the passing of this Act make an application to the Board of Trade for compensation in respect of money, time or labour expended by the applicant upon the subject-matter of the said Letters Patent on a *bonâ fide* belief that such Letters Patent had become and continued to be void, it shall be lawful for the said Board, after hearing the parties concerned or their agents, to assess the amount of such compensation, if in their opinion the application ought to be granted, and to specify the party by whom and the day on which such compensation shall be paid, and if default shall be made in payment of the sum awarded, then the said Letters Patent shall by virtue of this Act become void, but the sum awarded shall not in that case be recoverable as a debt or damages.”

Amendment of Specification.

Amendment of
specification by
comptroller.

21.—(1) An applicant or a patentee may at any time, by request in writing left at the Patent Office, seek leave to amend his specification, including drawings forming part thereof, by way of disclaimer, correction, or explanation, stating the nature of, and the reasons for, the proposed amendment.

(2) The request and the nature of the proposed amendment shall be advertised in the prescribed manner, and at any time within one month from its first advertisement any person may give notice at the Patent Office of opposition to the amendment.

(3) Where such a notice is given the comptroller shall give notice of the opposition to the person making the request, and shall hear and decide the case.

(4) Where no notice of opposition is given, or the person so giving notice of opposition does not appear, the comptroller shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(5) The decision of the comptroller in either case shall be subject to an appeal to the law officer, who shall, if required, hear the person making the request to amend and, where notice of opposition has been given, the person giving that notice, if he is, in the opinion of the law officer, entitled to be heard in opposition to the request, and, where there is no opposition, the comptroller, and may make an order determining whether and subject to what conditions (if any) the amendment ought to be allowed.

(6) No amendment shall be allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before amendment.

(7) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment shall be advertised in the prescribed manner, and shall in all Courts and for all purposes be deemed to form part of the specification.

(8) This section shall not apply when and so long as any action for infringement or proceeding before the Court for the revocation of a patent is pending.

This section makes no alteration in the law. See *Patents Rules*, 1908, rr. 60-67. The sub-sections 1 to 7 come from Act of 1883, sect. 18, sub-sects. 1 to 9, and sub-sect. 8 is Act of 1888, sect. 10. The subject of amendment of specifications under this section is fully treated in *Vol. II.*, pp. 62-90.

It is to be noticed that sections 24, 26, and 27, which are derived from the (Amendment) Act of 1907, sections, 16, 14, and 15 respectively, give the Court power, upon specified grounds, to order the revocation of the patent, and that the grounds specified in sections 24 and 27 do not depend upon the validity of the patent. Sect. 24 authorises the revocation of a patent by the Court as an alternative to ordering a compulsory licence, upon proof that the reasonable requirements of the public have not been satisfied. Sect. 26 authorises the Court, on appeal from the comptroller, to allow revocation of a patent on any one or more of the grounds on which the grant of the patent might have been opposed on the application of a person, or the successor in interest of a person, who might have opposed the grant. Sect. 27 gives the Court, on appeal from the comptroller, power to revoke a patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the United Kingdom.

It is not clear whether a proceeding which is pending before the Court under sections 24, 26, or 27 is a proceeding for revocation within sub-sect. 8 of the present section. First, as regards a proceeding under sect. 24. On the one hand it may be said that the proceeding is before the Court and is, *inter alia*, for revocation, and therefore, sub-sect. 8 applies. On the other hand it may be contended that the proceeding is only for revocation as an alternative remedy, and, further, the term "revocation" in sect. 24 means cancellation of the patent on the ground of an improper use, or non-use, of it, and not on any ground of objection to its validity, which, under any circumstances, could be removed by amendment of the specifications; whereas the "proceeding for revocation" referred to in sub-sect. 8 is one based on grounds of objection, which, in some cases, may be capable of removal by amendments of the specification. If this view is correct, sub-sect. 8 does not apply. Secondly, as regards sect. 26, it may be said the proceeding is before the Court on appeal and for revocation, and, therefore, sub-sect. 8 applies. As against this, it may, with force, be contended that the Court is only acting as an appellate tribunal from the comptroller, and the proceeding is not one which necessarily comes before the Court at all. Further, sect. 26, sub-sect. 2, authorises the comptroller, and, therefore, the Court on appeal from him, to order amendments of the specification by disclaimer, correction, or explanation, which are the grounds upon which amendments under the present section may be obtained, whereas under sect. 22 no amendment by way of explanation or correction can be allowed, and so there is no reason why sub-sect. 8 should apply. Thirdly, as regards sect. 27, again it may be said that the proceeding being before the Court on appeal from the comptroller and for revocation, sub-sect. 8 applies; or it may be that "revocation" in sect. 27 means only cancellation for improper use of the patent, as against "revocation" in sub-sect. 8, which, when read in conjunction with sect. 22, means revocation on some ground of objection to the validity of the patent, which, in some cases, may be removed by amendment, and so sub-sect. 8 does not apply.

Sub-sect. 8 will require judicial interpretation as regards the above points, which arise from the amendments of the law effected by sections, 24, 26, and 27.

Proceedings for revocation under sect. 25 are undoubtedly within sub-sect. 8 (see notes to sect. 22).

Amendment of
specification by
the Court.

22. In any action for infringement of a patent or proceedings before a Court for the revocation of a patent the Court may by order allow the patentee to amend his specification

by way of disclaimer in such manner, and subject to such terms as to costs, advertisement or otherwise, as the Court may think fit:

Provided that no amendment shall be so allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before the amendment, and where an application for such an order is made to the Court notice of the application shall be given to the comptroller, and the comptroller shall have the right to appear and be heard, and shall appear if so directed by the Court.

This section is new. It was, by sect. 13 of the (Amendment) Act of 1907, substituted for sect. 19 of the Act of 1883.

Sect. 19 of the Act of 1883 was as follows:—

“In an action for infringement of a patent, and in a proceeding for revocation of a patent, the Court, or a judge may, at any time, order that the patentee shall, subject to such terms as to costs and otherwise as the Court or a judge may impose, be at liberty to apply at the Patent Office for leave to amend his specification by way of disclaimer, and may direct that, in the meantime, the trial or hearing of the action shall be postponed.”

Comparing the substituted with the older section, it becomes at once apparent that, whereas under the old section the Court had power to order that the patentee should, subject to such terms as to costs or otherwise as the Court or a judge might impose, be at liberty to apply at the Patent Office for leave to amend by disclaimer, under the new substituted section the Court has power itself, by order, to allow the patentee to amend by way of disclaimer, and subject to such terms as to costs, advertisement or otherwise, as the Court may think fit.

The first part of the proviso limits the power of the Court to allowing only amendments by way of disclaimer which do not make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before amendment. In case of leave being given by the Court or a judge, under the old sect. 19 of Act of 1883, to apply at the Patent Office to amend by way of disclaimer, the procedure was by way of sect. 18 of the Act of 1883, which is sect. 21 of the present Act (see Vol. II., p. 100), and that section contained the same provision as to the

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

nature of allowable amendments by way of disclaimer as the present sect. 22 does. But sect. 18 of the Act of 1883 further provided that the amendment should be advertised in the prescribed manner, and should in all Courts, and for all purposes, be deemed to form part of the specification. The latter provision is re-enacted by sect. 21, sub-sect. 7. An amendment sanctioned under sect. 21 by the law officer is not open to review by the Court in subsequent proceedings relating to the patents (see Vol. II., pp. 66-67). It is to be noticed that there is nothing in the present sect. 22 to correspond with the provisions of sect. 21, sub-sect. 7, that the amendment shall, in all Courts and for all purposes, be deemed to form part of the specification; and further, by sect. 21, sub-sect. 8, it is provided that the provisions of sect. 21 are not applicable when the provisions of sect. 22 apply. It, therefore, seems that a disclaimer which has been allowed by the Court under sect. 22, in one proceeding, may be questioned, in other proceedings between different parties, either on the ground that it was not a disclaimer, or that, though a disclaimer, it was one which made the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before amendment.

The present section provides that the comptroller shall appear and be heard if he desires so to do, or if the Court so directs him.

The terms which the Court will impose upon granting an order for amendment of the specification by way of disclaimer will, no doubt, be similar to those formerly imposed by the Court when granting leave under the old sect. 19 of the Act of 1883 to apply at the Patent Office for leave to amend by way of disclaimer. As to what these terms were, see Vol. II., pp. 95-99, and as to amendment by disclaimer generally, see Vol. II., pp. 70-75.

Restriction on
recovery of
damages.

23. Where an amendment of a specification by way of disclaimer, correction, or explanation, has been allowed under this Act, no damages shall be given in any action in respect of the use of the invention before the disclaimer, correction, or explanation, unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

This section is a re-enactment *verbatim et literatim* of Act of 1883, sect. 20.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

Compulsory Licences and Revocation.

24.—(1) Any person interested may present a petition to the Board of Trade alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and praying for the grant of a compulsory licence, or, in the alternative, for the revocation of the patent.

Compulsory
licences and
revocation.

(2) The Board of Trade shall consider the petition, and if the parties do not come to an arrangement between themselves the Board of Trade, if satisfied that a *prima facie* case has been made out, shall refer the petition to the Court, and, if the Board are not so satisfied, they may dismiss the petition.

(3) Where any such petition is referred by the Board of Trade to the Court, and it is proved to the satisfaction of the Court that the reasonable requirements of the public with reference to the patented invention have not been satisfied, the patentee may be ordered by the Court to grant licences on such terms as the Court may think just, or, if the Court is of opinion that the reasonable requirements of the public will not be satisfied by the grant of licences, the patent may be revoked by order of the Court.

Provided that an order of revocation shall not be made before the expiration of three years from the date of the patent, or if the patentee gives satisfactory reasons for his default.

(4) On the hearing of any petition under this section the patentee and any person claiming an interest in the patent, as exclusive licensee or otherwise, shall be made parties to the proceeding, and the law officer or such other counsel as he may appoint shall be entitled to appear and be heard.

(5) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied—

- (a) if by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process to an adequate extent or to grant licences on reasonable terms, any existing trade or industry, or the

establishment of any new trade or industry in the United Kingdom is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met; or

- (b) if any trade or industry in the United Kingdom is unfairly prejudiced by the conditions attached by the patentee before or after the passing of this Act to the purchase, hire, or use of the patented article or to the using or working of the patented process.

(6) An order of the Court directing the grant of any licence under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence and made between the parties to the proceeding.

This section is the Act of 1902, sect. 3, as amended by the (Amendment) Act of 1907, sect. 16. The procedure is regulated by Patents Rules, 1908, rr. 68-74. The alteration in the law as compared with the Act of 1902, sect. 3, is as follows: Petitions for the grant of a compulsory licence or, in the alternative, for the revocation of a patent are now to be referred by the Board of Trade to the Court instead of to the Judicial Committee of the Privy Council. Accordingly, the references in the old section to the Judicial Committee and to Orders in Council are, in this section, represented by references to the Court and Orders of the Court respectively, and sub-sects. 8, 9, and 10 of the old section, which dealt with procedure before the Judicial Committee, are not repeated. The grounds stated in sub-sect. 5, upon which the reasonable requirements of the public are to be deemed not to have been satisfied are somewhat different to the grounds stated in sub-sects. 5 and 6 of the Act of 1902, for which the present section was substituted by the (Amendment) Act of 1907, sect. 15, sub-sect. 2.

The "Court" in this section means such judge of the High Court as the Lord Chancellor shall appoint, and there is no appeal from the decision of such judge (see sect. 92, sub-sect. 2, and notes to sect. 25).

Ever since the Act of 1883 it has, by virtue of statutory provisions, been possible for persons interested to obtain compulsory licences, under conditions, and upon proof of circumstances more or less like those defined by the present section. Applications for compulsory licences have, however, been conspicuous by their absence. In fact, of reported cases there have been only four under

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

the Act of 1883 (see Vol. II., p. 139, note (g)), and none at all under the Act of 1902. Possibly, because of the cheaper procedure under the present Act and the new grounds upon which the reasonable requirements of the public are to be deemed not to have been satisfied, applications for compulsory licences may be more frequent in the future than they have been in the past.

Hitherto the Courts, acting upon the principle *cujus est dare ejus est disponere*, have held that the patentee could attach any condition he liked in respect to the purchase, hire, or use of a patented article (see Vol. I., pp. 377-379). The effect of sub-sect. 5 (b) of this section and sect. 38, *post*, is to considerably modify this view.

25.—(1) Revocation of a patent may be obtained on Revocation of
patent.
petition to the Court.

(2) Every ground on which—

(a) a patent might, immediately before the first day of January, one thousand eight hundred and eighty-four, have been repealed by *scire facias*; or

(b) a patent may be revoked under this Act either by the comptroller or as an alternative to the grant of a compulsory licence;

shall be available by way of defence to an action of infringement and shall also be a ground of revocation under this section.

(3) A petition for revocation of a patent may be presented—

(a) by the Attorney-General or any person authorised by him; or

(b) by any person alleging—

(i) that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims; or

(ii) that he, or any person under or through whom he claims, was the true inventor of any invention included in the claim of the patentee; or

(iii) that he, or any person under or through whom he claims an interest in any trade, business, or manufacture, had publicly manufactured, used, or sold, within this realm, before the date of the patent, anything claimed by the patentee as his invention.

This section, in conjunction with sect. 94, sub-sect. 3, re-enacts Act of 1883, sect. 26, sub-sects. 2, 3, and 4, and adds a new ground of revocation. The new ground of revocation is that mentioned in sub-sect. 2 (b). This new ground was added to the grounds available under sect. 26 of the Act of 1883 by (Amendment) Act of 1907, sect. 25.

The subject of revocation of patents under the old provisions of this section is fully treated in Vol. I., pp. 290–308.

The Act of 1883, by sect. 26, sub-sects. 1 and 2, abolished the proceeding by *scire facias* to repeal a patent and instituted the proceeding for revocation of a patent by way of petition to the Court. As will appear presently, this fact has probably a very important bearing on the construction of the present section. The proceeding by *scire facias* is not reinstated by the repeal of Act of 1883, sect. 26, sub-sect. 1 (see Interpretation Act, 1889, sect. 38, sub-sect. 2 (a)).

The important question which arises in connection with this section is, what is the meaning of “the Court” in sub-section 1, and has the present Act taken away the right of appeal to the Court of Appeal and the House of Lords in the case of petitions presented to the Court under this section? Sect. 92, sub-sect. 2, provides (*inter alia*) that where “by virtue of this Act” a petition may be presented to the Court, the petition shall, subject to and in accordance with rules of the Supreme Court, be presented to such judge of the High Court as the Lord Chancellor may select for the purpose, and the decision of that judge shall be final. Upon a superficial view it would appear that the effect of this provision is to abolish the right of appeal to the Court of Appeal and the House of Lords in cases of petitions to the Court for the revocation of a patent under the present section, since it may be said that this Act is the only Act in force, and so the petition is presented to the Court “by virtue of this Act.” On the contrary, the following observations go to show that it is not essential for the petition to be presented to the selected judge, and that the right of appeal to the Court of Appeal and the House of Lords is not abolished, because the petition is not presented “by virtue of this Act.” It is true that the petition is presented *under*, but it does not necessarily follow that it is presented *by virtue of* this Act. It was the Act of 1883 which substituted petition to the Court for *scire facias*. The petition is, therefore, presented under this Act, but by virtue of the repealed Act of 1883. In the case of petitions, or appeals, to the Court under sects. 18, 24, 26, or 27, which sections are re-enactments of corresponding sections of the (Amendment) Act of 1907, such petitions or appeals are under and also by virtue of this Act, because the Amendment Act never had any operative

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effect, since by its own terms it did not come into operation till the moment at which, by this Act, it was repealed (see Interpretation Act, 1889, sect. 36, sub-sect. 2). Such petitions and appeals, therefore, are not presented by virtue of a repealed Act which was ever operative, but by virtue of this Act, which, though by repeal it prevented the repealed (Amendment) Act, 1907, from ever coming into operation, yet, by embodying the provisions of the repealed Act in this Act, by virtue of this Act, gave them operative effect for the first time. This is a consolidation Act, and the Courts will, most probably, hold that the intention of Parliament was to write in one volume of the Statute Book the law which would otherwise be contained in several volumes, viz. the Patents and Designs Acts from and including that of 1883 to the (Amendment) Act of 1907. If this be so, it is most important to observe that sect. 92, sub-sect. 2, is *verbatim et literatim* the same as (Amendment) Act, 1907, sect. 28. It is also important to notice that there is an indubitable right of appeal to the Court of Appeal and the House of Lords from a decision of the comptroller revoking a patent (sect. 92, sub-sect. 2), and also in the event of a counterclaim for revocation in an action for infringement of the patent (sect. 32), or proceeding for revocation in Scotland, which, by the provisions of sect. 94, sub-sect. 3 must be in the form of an action of reduction. Unless the words, "by virtue of this Act," be construed in some such way as that suggested above, an absurdity and repugnance and inconsistency with other portions of the Act results, and this, in accordance with the golden rule, is good ground for adopting the construction suggested.

26.—(1) Any person who would have been entitled to oppose the grant of a patent, or is the successor in interest of a person who was so entitled, may, within two years from the date of the patent, in the prescribed manner apply to the comptroller for an order revoking the patent on any one or more of the grounds on which the grant of the patent might have been opposed.

Power of
comptroller to
revoke patents
on certain
grounds.

Provided that when an action for infringement or proceedings for the revocation of the patent are pending in any Court, an application under this section shall not be made except with the leave of the Court.

(2) The comptroller shall give notice of the application to the patentee, and after hearing the parties, if desirous of being heard, may make an order revoking the patent or requiring the specification relating thereto to be amended

by disclaimer, correction, or explanation, or dismissing the application; but the comptroller shall not make an order revoking the patent unless the circumstances are such as would have justified him in refusing to grant the patent had the proceedings been proceedings in an opposition to the grant of a patent.

(3) A patentee may at any time by giving notice in the prescribed manner to the comptroller offer to surrender his patent, and the comptroller may, if after giving notice of the offer and hearing all parties who desire to be heard he thinks fit, accept the offer, and thereupon make an order for the revocation of the patent.

(4) Any decision of the comptroller under this section shall be subject to appeal to the Court.

This section is entirely new, and was (Amendment) Act of 1907, sect. 14. See Patents Rules, 1908, rr. 75-77.

The main effect of this section is to virtually prolong, for two years from the date of the patent, *i.e.* the application, the period during which the grant of a patent may be objected to, upon the grounds stated in sect. 11, by a person entitled to oppose originally, or his successor in interest. As to who is entitled to oppose the grant under sect. 11, and therefore to apply under this section, see notes to sect. 11.

A proceeding for revocation under sect. 25 is clearly one which is within the proviso to sub-sect. 1, but it is doubtful whether proceedings taken under sects. 24 or 27 are proceedings for revocation within the meaning of such proviso. First, as regards proceedings under section 24. It may be that, since the proceeding is before the Court and *inter alia* for revocation, the proviso applies. On the other hand, it may be that the proceeding is only for revocation as an alternative remedy, and the term "revocation" in sect. 24 means cancellation of the patent on the ground of an improper use, or mis-use of it, and not on any ground of objection to its validity, which, under any circumstances, could be removed by amendments of the specification; whereas sub-sect. 2 of sect. 26 shows that the proceedings for revocation referred to in the proviso are such as in some cases may be removed by amendment of the specification, and sub-sect. 1 indicates that they are such as in all cases are based upon some ground or grounds of objection to the validity of the patent itself. Secondly, as regards sect. 27, similar arguments for and against proceedings under that section being within the proviso are applicable. These points will have to be decided by the Court.

Apparently proceedings properly commenced under this section are not stayed by the subsequent commencement of an action for infringement or proceedings for revocation of the patent (see Vol. II., pp. 92-93).

In cases of opposition under sect. 11, the grant of a patent is refused only when the ground of opposition relied upon is clearly proved. If there is any doubt, the grant is allowed, but subject to such modifications of the specifications, references, and disclaimers as may be required to protect the opponent and the public. The practice in the matter of revoking patents or ordering amendments of the specification under sub-sect. 2 will most probably be similar to that established with reference to cases under sect. 11. As to the general principles upon which amendments, references, and disclaimers are ordered in opposition proceedings, see Vol. II., pp. 41-50.

Sub-sect. 3 creates a new statutory power in relation to the surrender of a patent. If a patentee before the Act disposed of his patent by surrender to the Crown by enrolled deed, the patent, in the absence of conditions to the contrary, probably inured for the benefit of the Crown (see Vol. II., pp. 130 and 126). An order under sect. 26, sub-sect. 3, would annul the patent altogether.

It is to be noticed that sub-sect. 4 gives an appeal to the Court from any decision of the comptroller under this section, and sect. 92, sub-sect. 2 provides that the appeal is to be to such judge of the High Court as the Lord Chancellor may select for the purpose, and the decision of that judge is final, unless the decision of the comptroller is in favour of revoking the patent. Apparently, therefore, there is an appeal to the Court of Appeal and House of Lords if the selected judge decides in favour of revocation but the comptroller does not, and there is no such appeal if the comptroller decides to revoke the patent and the judge either agrees or disagrees with his decision. There does not seem to be any particular reason why this should be so. Again, it is somewhat curious that in cases of opposition under sect. 11, in which the same questions may be raised as under the present section, the appeal from the comptroller is to the law officer, from whom, under no circumstances, is there a further appeal.

27.—(1) At any time not less than four years after the date of a patent and not less than one year after the passing of this Act, any person may apply to the comptroller for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the United Kingdom.

Revocation of
patents worked
outside the
United
Kingdom.

(2) The comptroller shall consider the application, and, if after inquiry he is satisfied that the allegations contained therein are correct, then, subject to the provisions of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in the United Kingdom, or gives satisfactory reasons why the article or process is not so manufactured or carried on, the comptroller may make an order revoking the patent either—

(a) forthwith; or

(b) after such reasonable interval as may be specified in the order, unless in the meantime it is shown to his satisfaction that the patented article or process is manufactured or carried on within the United Kingdom to an adequate extent:

Provided that no such order shall be made which is at variance with any treaty, convention, arrangement, or engagement with any foreign country or British possession.

(3) If within the time limited in the order the patented article or process is not manufactured or carried on within the United Kingdom to an adequate extent, but the patentee gives satisfactory reasons why it is not so manufactured or carried on, the comptroller may extend the period mentioned in the previous order for such period not exceeding twelve months as may be specified in the subsequent order.

(4) Any decision of the comptroller under this section shall be subject to appeal to the Court, and on any such appeal the law officer or such other counsel as he may appoint shall be entitled to appear and be heard.

This section is entirely new, and was (Amendment) Act of 1907, sect. 15. It is applicable to all patents, whether granted before or after the passing of this Act (see sect. 98, sub-sect. 2). The procedure is regulated by Patents Rules, 1908, rr. 78-81. The object of Parliament, as expressed in this section, appears to be to prevent persons who are owners of British patents from unfairly prejudicing British manufacturers and British trade generally, by stifling trade in this country in connection with the manufacture of the patented article, or the patented process, which is exclusively or mainly carried on outside the United Kingdom.

This, or any other, section does not provide for compulsory working of the invention as a condition of the continued existence of the patent, as the laws of some countries do.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

The section does not contain anything which limits the use of the invention abroad, referred to in sub-sect. 1, to a use by the patentee or his nominees. Apparently, therefore, a use of the invention abroad by persons other than the British patentee or his nominees is within sub-sect. 1. Seemingly, "patented article or process" means article or process patented in the United Kingdom, but not necessarily patented in other countries where the article is made or the process is carried on. An invention may be the subject of a British patent, but not patented in all foreign countries, with the result that the patented article or process may be exclusively or mainly manufactured or carried on abroad, because, since there are no royalty charges in some countries abroad, while there are such charges in the United Kingdom, it may be much cheaper to produce abroad than in the United Kingdom. The result under such circumstances may be that an industry in respect of the patented article or process will be built up abroad before the lapse of the patent in the United Kingdom. In this way British trade may be handicapped, because at the expiration of the British patent, British manufacturers would be at a disadvantage as against foreign manufacturers with an established trade in the markets of the world.

The onus is on the applicant under sub-sect. 1 to show that the patented article or process is manufactured exclusively or mainly outside the United Kingdom. If he succeeds in doing so, the onus is then on the patentee, under sub-sect. 2, to prove that the patented article or process is manufactured or carried on to an adequate extent in the United Kingdom, or to give satisfactory reasons why the article or process is not manufactured or carried on. The term "mainly" in sub-sect. 1 is indefinite, but presumably the applicant must show that something over fifty per cent. of the trade in the patented article or process is carried on abroad.

The existence of a British patent, and the fact that the patentee has always been willing and desirous to permit the use of the invention in the United Kingdom upon payment of reasonable royalties, would probably be a satisfactory answer to the applicant's case for an order under the section, so far as it is based on the fact that the article or process is exclusively or mainly manufactured or carried on abroad. Again, the fact that, apart from royalties, there is some reason, *e.g.* owing to locality or excise duties, why the manufacture abroad is cheaper than in the United Kingdom, would be a good answer. So also it would probably be sufficient if the patentee can show that the greater use of the invention abroad is owing to the superior enterprise and willingness of the foreign manufacturers, as compared with the British manufacturers, in the matter of perceiving the merits of and adopting the invention.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

The proviso in sub-sect. 2 is necessary, *inter alia*, because of Article 5 of the International Convention for the Protection of Industrial Property of 1883, to which this country is a party. That article provides that "the introduction by the patentee into the country where the patent has been granted of objects manufactured in any of the States of the Union shall not entail forfeiture. Nevertheless, the patentee shall remain bound to work the patent in conformity with the laws of the country into which he introduces the patented objects." Hence the ground for an order under the section is inadequate use of the invention in the United Kingdom without a satisfactory reason, and "inadequate" means inadequate in reference to the use which is made of the invention abroad.

The appeal provided for by sub-sect. 4 is to such judge of the High Court as the Lord Chancellor may select for the purpose, and the decision of that judge is final (see sect. 92, sub-sect. 2, and notes to sect. 25).

Register of Patents.

Register of
patents.

28.—(1) There shall be kept at the Patent Office a book called the Register of Patents, wherein shall be entered the names and addresses of grantees of patents, notifications of assignments and of transmissions of patents, of licences under patents, and of amendments, extensions, and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may be prescribed.

(2) The register of patents existing at the commencement of this Act shall be incorporated with and form part of the register of patents under this Act.

(3) The register of patents shall be *prima facie* evidence of any matters by this Act directed or authorised to be inserted therein.

(4) Copies of deeds, licences, and any other documents affecting the proprietorship in any letters patent or in any licence thereunder, must be supplied to the comptroller in the prescribed manner for filing in the Patent Office.

Sub-sect. 1 comprises the Act of 1883, sect. 23, sub-sect. 1, and section 114, sub-sect. 1.

Sub-sect. 2 is necessary because this Act is a consolidation Act.

Sub-sect. 3 is Act of 1883, sect. 23, sub-sect. 2.

Sub-sect. 4 is Act of 1883, sect. 23, sub-sect. 3.

For further information as to the Register of Patents, see Vol. II., pp. 56-61, and Patents Rules, 1908, rr. 82-94.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

Crown.

29. A patent shall have to all intents the like effect as Patent to bind Crown. against His Majesty the King as it has against a subject:

Provided that any Government department may, by themselves, their agents, contractors, or others, at any time after the application, use the invention for the services of the Crown on such terms as may, either before or after the use thereof, be agreed on, with the approval of the Treasury, between the department and the patentee, or, in default of agreement, as may be settled by the Treasury after hearing all parties interested.

This section is composed of Act of 1883, sect. 27, the proviso being sub-sect. 2 of the older section with the expression "Government department" substituted for "the officers or authorities administering any department of the service of the Crown."

For further information on the subject of this section, see Vol. II., pp. 145-146.

30.—(1) The inventor of any improvement in instruments Assignment to Secretary for War or the Admiralty of certain inventions. or munitions of war may (either for or without valuable consideration) assign to the Secretary of State for War or the Admiralty on behalf of His Majesty all the benefit of the invention and of any patent obtained or to be obtained for the invention; and the Secretary of State or the Admiralty may be a party to the assignment.

(2) The assignment shall effectually vest the benefit of the invention and patent in the Secretary of State or the Admiralty on behalf of His Majesty, and all covenants and agreements therein contained for keeping the invention secret and otherwise shall be valid and effectual (notwithstanding any want of valuable consideration), and may be enforced accordingly by the Secretary of State or the Admiralty.

(3) Where any such assignment has been made, the Secretary of State or the Admiralty may at any time before the publication of the complete specification certify to the controller that, in the interest of the public service, the particulars of the invention and of the manner in which it is to be performed should be kept secret.

(4) If the Secretary of State or the Admiralty so certify the application and specifications, with the drawings (if any),

and any amendment of the complete specification, and any copies of such documents and drawings shall, instead of being left in the ordinary manner at the Patent Office, be delivered to the comptroller in a packet sealed by authority of the Secretary of State or the Admiralty.

(5) The packet shall, until the expiration of the term during which a patent for the invention may be in force, be kept sealed by the comptroller, and shall not be opened save under the authority of an order of the Secretary of State or the Admiralty or of the law officer.

(6) The sealed packet shall be delivered at any time during the continuance of the patent to any person authorised by the Secretary of State or the Admiralty to receive it, and shall if returned to the comptroller be again kept sealed by him.

(7) On the expiration of the term of the patent, the sealed packet shall be delivered to the Secretary of State or the Admiralty.

(8) Where the Secretary of State or the Admiralty certify as aforesaid, after an application for a patent has been left at the Patent Office, but before the publication of the complete specification, the application and specifications, with the drawings (if any), shall be forthwith placed in a packet sealed by authority of the comptroller, and the packet shall be subject to the foregoing provisions respecting a packet sealed by authority of the Secretary of State or the Admiralty.

(9) No proceeding by petition or otherwise shall lie for revocation of a patent granted for an invention in relation to which a certificate has been given by the Secretary of State or the Admiralty as aforesaid.

(10) No copy of any specification or other document or drawing, by this section required to be placed in a sealed packet, shall in any manner whatever be published or open to the inspection of the public, but, save as in this section otherwise directed, the provisions of this Act shall apply in respect of any such invention and patent as aforesaid.

(11) The Secretary of State or the Admiralty may at any time waive the benefit of this section with respect to any particular invention, and the specifications, documents, and drawings shall be thenceforth kept and dealt with in the ordinary way.

(12) The communication of any invention for any improvement in instruments or munitions of war to the Secretary of State or the Admiralty, or to any person or persons authorised by the Secretary of State or the Admiralty to investigate the same or the merits thereof, shall not, nor shall anything done for the purposes of the investigation, be deemed use or publication of such invention so as to prejudice the grant or validity of any patent for the same.

(13) Rules may be made under this Act, after consultation with the Secretary of State and the Admiralty, for the purpose of ensuring secrecy with respect to patents to which this section applies, and those rules may modify any of the provisions of this Act in their application to such patents as aforesaid so far as may appear necessary for the purpose aforesaid.

This section, as regards sub-sects. 1-12, is Act of 1883, sect. 44 (which only applied to the Secretary of State for War), but extended to the Admiralty in accordance with the provisions of the (Amendment) Act of 1907, sect. 21, sub-sect. 1. Sub-sect. 13 is new and is added to the older but extended section, in accordance with the provisions of the (Amendment) Act of 1907, sect. 21, sub-sect. 2. See Patents Rules, 1908, rr. 97-99.

Legal Proceedings.

31.—(1) In an action or proceeding for infringement or revocation of a patent, the Court may, if it think fit, and shall on the request of either of the parties to the proceeding, call in the aid of an assessor specially qualified, and try the case wholly or partially with his assistance; the action shall be tried without a jury unless the Court otherwise directs.

Hearing with
assessor.

(2) The Court of Appeal may, if they think fit, in any proceeding before them call in the aid of an assessor as aforesaid.

(3) The remuneration, if any, to be paid to an assessor under this section shall be determined by the Court or the Court of Appeal, as the case may be, and be paid as part of the expenses of the execution of this Act.

This section is Act of 1883, sect. 28, with references to the Judicial Committee of the Privy Council omitted, because in virtue

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

of the provisions of the (Amendment) Act of 1907, which are incorporated in sects. 18 and 24 of this Act, the Judicial Committee of the Privy Council no longer takes any part in the administration of the patent law of this country.

It is to be noticed that sect. 18, which by virtue of the (Amendment) Act of 1907 is substituted for Act of 1883, sect. 25, does not provide for the hearing of a petition for extension by the Court with an assessor, whereas a petition for extension which under the old procedure was heard by the Judicial Committee, could, under the provisions of Act of 1883, sect. 28, be so heard. The result is that now the tribunal which hears petitions for extension of the term of a patent has no statutory power to call in the aid of an assessor.

When a case is tried with an assessor it is proper for the assessor to furnish a written statement of his opinion to the judge, and such statement may be read in the Court of Appeal for the reason that without it the Court might not be able to do justice between the parties (see Vol. I., p. 474).

It is to be doubted whether proceedings for revocation under sub-sects. 24, 26, or 27 are proceedings for revocation within the meaning of this section (see notes to sub-sects. 21 and 26).

Power to
counter-claim
for revocation
in an action for
infringement.

32. A defendant in an action for infringement of a patent, if entitled to present a petition to the Court for the revocation of the patent, may, without presenting such a petition, apply in accordance with the rules of the Supreme Court by way of counter-claim in the action for the revocation of the patent.

This section is entirely new. It was (Amendment) Act of 1907, sect. 26.

The object of the section is to enable a defendant to an action for infringement, if successful on the issue of invalidity of the patent, and entitled to present a petition to the Court for the revocation of the patent, to obtain revocation by an order in the action, and so avoid the necessity for, and delay and expense consequent upon, proceedings by petition subsequent to the action.

If the Court only finds the patent void upon some ground or grounds which can be removed by amendment of the specification, the Court would, no doubt, upon the request of the plaintiff, order the amendment of the specification by disclaimer, under sect. 22, if disclaimer is sufficient to remove the objection, and refuse the order for revocation; or if a correction or explanation is required, the Court will make an order that the patent be revoked unless within three months, or other specified time, or such further time as the Court may allow, the patentee obtains leave to amend the

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specification, and so give him an opportunity of applying to the comptroller under sect. 21 (see Vol. II., pp. 82-83).

The defendant, if not entitled under sect. 25, sub-sect. 3 (*b*), must, in order to bring himself within the section, obtain the fiat of the Attorney General (see notes to sect. 25), so as to constitute himself a person entitled to present a petition to the Court for revocation of the patent, and in some cases it may be necessary to ask for time in the action to enable this to be done. Sub-sects. 24, 26, and 27 do not in themselves entitle a defendant to the benefit of this section as being a person entitled to present a petition to the Court for revocation of the patent, for under sect. 24 the petition is presented to the Board of Trade, though it may be referred to the Court, and under sub-sects. 26 and 27 the application is to the comptroller, with an appeal to the Court. But sect. 25, sub-sect. 1 (*b*) authorises the presentation to the Court of a petition for revocation of the patent based on any of the grounds referred to in sub-sects. 24, 26, or 27, and, consequently, a defendant to an action for infringement, who is armed with the fiat of the Attorney General to present a petition to the Court under sect. 25 on any of those grounds, is entitled to counter-claim for revocation of the patent under sect. 32.

Probably, an unsuccessful defendant to a prior action for infringement could, in subsequent proceedings against him based upon the same patent, raise the question of validity of the patent again under the provisions of this section. The Court would, probably, hold that the question under such circumstances is not *res judicata*, because, though in form a counter-claim, the proceeding is really in the nature of a petition for the revocation of the patent presented to the Court by the defendant as a member of the public as distinct from a proceeding *inter partes*, and the matter is, consequently, not *res judicata* between the plaintiff and the defendant in that capacity (see Vol. I., pp. 306, 407-408).

33. A patentee shall not be entitled to recover any damages in respect of any infringement of a patent granted after the commencement of this Act from any defendant who proves that at the date of the infringement he was not aware, nor had reasonable means of making himself aware, of the existence of the patent, and the marking of an article with the word "patent," "patented," or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article, shall not be deemed to constitute notice

Exemption of innocent infringer from liability for damages.

of the existence of the patent unless the word or words are accompanied by the year and number of the patent:

Provided that nothing in this section shall affect any proceedings for an injunction.

This section is new. It was (Amendment) Act of 1907, sect. 27.

The section applies only to patents "granted after the commencement of this Act," *i.e.* January 1, 1908. All ordinary patents are in accordance with the provisions of sect. 13, dated and sealed as of the date of the application. Apparently the words, "granted after the commencement of this Act," therefore, mean "being dated after the commencement of this Act," since the letters patent which contain the grant are dated as of the date of application. That is to say, for the purposes of this section, patents are deemed to have been granted upon the day as from which they are dated, and from which the period of the grant begins to run. If Parliament had meant the section to apply to patents which, though dated before, are not in fact sealed till after the commencement of the Act, it would have said so clearly.

The section effects an important alteration in the law. Hitherto, ignorance of the patent was no defence (Vol. I., pp. 336-337); now, ignorance, coupled with absence of reasonable means of knowledge, is a complete defence to a claim for the payment of damages. The section apparently only exempts an infringer who has no knowledge and no reasonable means of knowledge of the patent from liability to pay damages to the patentee. It does not, apparently, excuse him from liability to account for profits made by the unauthorised use of the invention, since there is no necessary relationship between damages inflicted upon the patentee and profits made by an infringer by such an unauthorised use (see Vol. I., pp. 495-496, 499). The proviso in terms states that nothing in the section shall affect any proceeding for an injunction.

Users will, no doubt, be more frequently able to bring themselves within the protection of this section than manufacturers. Frequently a manufactured article, which is sold, gives no clue to the patented machine or process by which it was produced. An illustration of this would be a patented cigarette-making machine, which produced cigarettes similar in appearance to the ordinary cigarettes on the market. The purchaser of cigarettes made by an infringing machine might well be totally ignorant of the existence of the patent, and the mere purchase of the cigarettes from a

retailer, or even a wholesale dealer, might well not furnish him with reasonable means of knowledge of the existence of the patent, nor might it even suggest that there was any patent for the machine by which the cigarettes were produced, or at all. The manufacturer who used the machine might be in a different position. The machine might have some conspicuous feature of novelty, and it might well be that this, together with an inspection of the trade journals, or catalogues of well-known manufacturers, would soon convince him that the machine was the same as, or very similar to, one advertised in such literature as protected by a patent of given number and date. The manufacturer, under such circumstances, would have reasonable means of making himself aware of the existence of the patent, and would not be protected by this section.

It would seem that the intention of Parliament, as expressed by the section, is that an alleged infringer is not to be cast in damages unless he fails to prove that he had neither actual knowledge of, nor reasonable means of knowledge of, the existence of the patent, and that it had some sort of connection with the infringing article or process, which might reasonably put him upon inquiry.

By the terms of the section the marking of an article with words implying that a patent for the article has been obtained, together with the year and number of the patent, is notice of the existence of the patent. Where a patentee so marks articles, which are upon the market to a considerable extent, it may well be that a person who becomes possessed of a similar, but unmarked article, produced without licence of the patentee, will find great difficulty in satisfying a Court that he had no reasonable means of making himself aware of the existence of the patent. A person possessed of an infringing article, marked with the number and year of the patent, would not be entitled to any benefit from the section, because he would clearly have knowledge, or the reasonable means of knowledge, of the existence of the patent, and the belief that it was, contrary to the fact, made under licence, would not avail him.

In consequence of this section, it will probably become the common practice for patented articles, or articles produced by a patented machine or process, to be marked with the number and year of the patent.

It is not possible to lay down any general canon of what will be the result of a given case in respect of protection or no protection under the section. It will always be a question of fact, to be decided in reference to the circumstances peculiar to each individual case.

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Order for inspection, &c., in action.

34. In an action for infringement of a patent, the Court may on the application of either party make such order for an injunction inspection or account, and impose such terms and give such directions respecting the same and the proceedings thereon as the Court may see fit.

This section was Act of 1883, sect. 30.

For information as to interlocutory injunctions, see Vol. I., pp. 427-440; as to perpetual injunctions, see Vol. I., pp. 486-494; as to inspection, see Vol. I., pp. 449-454; as to account or damages, see Vol. I., pp. 494-508.

Certificate of validity questioned and costs thereon.

35. In an action for infringement of a patent, the Court may certify that the validity of the patent came in question; and, if the Court so certifies, then in any subsequent action for infringement the plaintiff in that action on obtaining a final order or judgment in his favour shall, unless the Court trying the action otherwise directs, have his full costs, charges, and expenses as between solicitor and client.

This section was Act of 1883, sect. 31.

The subject matter of the section is fully treated at Vol. I., pp. 525-531.

Remedy in case of groundless threats of legal proceedings.

36. Where any person claiming to be the patentee of an invention, by circulars, advertisements, or otherwise, threatens any other person with any legal proceedings or liability in respect of any alleged infringement of the patent, any person aggrieved thereby may bring an action against him, and may obtain an injunction against the continuance of such threats, and may recover such damage (if any) as he has sustained thereby, if the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats:

Provided that this section shall not apply if the person making such threats with due diligence commences and prosecutes an action for infringement of his patent.

This section is the same as Act of 1883, sect. 32, except that the phrase "infringement of the patent" is substituted for the phrase "manufacture, use, sale, or purchase of the invention." This effects no alteration in the law.

The subject of Threat Actions is fully treated in Vol. I., pp. 309-330.

Miscellaneous.

37. Where, after the commencement of this Act, a patent is granted to two or more persons jointly, they shall, unless otherwise specified in the patent, be treated for the purpose of the devolution of the legal interest therein as joint tenants, but, subject to any contract to the contrary, each of such persons shall be entitled to use the invention for his own profit without accounting to the others, but shall not be entitled to grant a licence without their consent, and, if any such person dies, his beneficial interest in the patent shall devolve on his personal representatives as part of his personal estate.

Grant of
patents to two
or more
persons.

This section is new. It was (Amendment) Act of 1907, sect. 1.

It is to be noticed that the section does not provide that all patents are to be granted in a form which creates a joint tenancy, for it may be "otherwise specified" in the patent, and sect. 14, subsect. 2, provides that every patent may be in "the prescribed form."

The form in use at the date of the passing of the Act, which is Form A in the third schedule to the Patents Rules, 1908, apart from the provisions of this section, according to judicial interpretation, creates and gives a joint interest which survives to the remaining grantee or grantees upon the death of one or more of the original grantees, unless there was a severance of the joint interest before the death of such grantee or grantees; and it was always open to joint owners at any time to sever their joint interest, and to create a tenancy in common (see Vol. II., pp. 110-111). The section, therefore, upon this point embodies in the statute what formerly rested upon judicial decision; but the section does more than this, for it provides that, subject to any contract to the contrary, the beneficial interest passes to the legal representatives of a deceased joint tenant as part of his personal estate, and so removes all question as to whether the surviving joint tenant holds as trustee for the representatives of the deceased joint tenant.

Before the Act, the Courts decided that each of a number of joint grantees or co-owners by assignment could, in the absence of agreement to the contrary, use the invention himself without obligation to account to his co-owners (Vol. II., p. 113). In this respect again the Act gives statutory effect to previous judicial decision.

Before the Act, the question whether or not one of several co-owners could grant licences alone, without the consent of his

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co-owners, depended upon the form of the patent, and it was held that when the patent was in a form similar to that usually employed at present he could not do so (see Vol. II., p. 132). The section, therefore, makes no real alteration in the law in this respect, for it merely provides that, unless otherwise specified in the patent, each joint owner, subject to any contract to the contrary, shall not be entitled to grant licences without the consent of his joint owners.

The section does not affect the question of the right of one joint owner to sue for infringement without joining the other joint owner or owners, as to which see Vol. II., pp. 111–112. All parties interested in the patent, if they do not join as co-plaintiffs separately interested, may be, and for safety's sake should be, joined as defendants, in order that the finding of the Court as to validity of the patent may be binding upon all the owners as against the defendant, and that the infringing defendant may not be called upon to account more than once, first to the plaintiff, and then, separately, to other persons claiming an interest in the patent (Vol. II., p. 112).

Avoidance of certain conditions attached to the sale, &c., of patented articles.

38.—(1) It shall not be lawful in any contract made after the passing of this Act in relation to the sale or lease of, or licence to use or work, any article or process protected by a patent to insert a condition the effect of which will be—

- (a) to prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles, whether patented or not, or any patented process, supplied or owned by any person other than the seller, lessor, or licensor or his nominees; or
- (b) to require the purchaser, lessee, or licensee to acquire from the seller, lessor, or licensor, or his nominees, any article or class of articles not protected by the patent;

and any such condition shall be null and void, as being in restraint of trade and contrary to public policy.

Provided that this sub-section shall not apply if—

- (i) the seller, lessor, or licensor proves that at the time the contract was entered into the purchaser, lessee, or licensee had the option of purchasing the article or obtaining a lease or licence on reasonable terms, without such conditions as aforesaid; and
- (ii) the contract entitles the purchaser, lessee, or licensee to relieve himself of his liability to observe any such condition on giving the other party three

months' notice in writing and on payment in compensation for such relief in the case of a purchase of such sum, or in the case of a lease or licence of such rent or royalty for the residue of the term of the contract, as may be fixed by an arbitrator appointed by the Board of Trade.

(2) Any contract relating to the lease of or licence to use or work any patented article or patented process, whether made before or after the passing of this Act, may at any time after the patent or all the patents by which the article or process was protected at the time of the making of the contract has or have ceased to be in force, and notwithstanding anything in the same or in any other contract to the contrary, be determined by either party on giving three months' notice in writing to the other party; but where any such notice is given determining any contract made before the passing of this Act, the party giving the notice shall be liable to pay such compensation as failing agreement may be awarded by an arbitrator appointed by the Board of Trade.

(3) Any contract made before the passing of this Act relating to the lease of or licence to use or work any patented article or process and containing any condition which, had the contract been made after the passing of this Act, would by virtue of this section have been null and void may, at any time before the contract is determinable under the last preceding sub-section, and notwithstanding anything in the same or any other contract to the contrary, be determined by either party on giving three months' notice in writing to the other party, but where any such notice is given the party giving the notice shall be liable to pay such compensation as, failing agreement, may be awarded by an arbitrator appointed by the Board of Trade.

(4) The insertion by the patentee in a contract made after the passing of this Act of any condition which by virtue of this section is null and void shall be available as a defence to an action for infringement of the patent to which the contract relates brought while that contract is in force.

(5) Nothing in this section shall—

(a) affect any condition in a contract whereby a person is prohibited from selling any goods other than those of a particular person; or

- (b) be construed as validating any contract which would, apart from this section, be invalid; or
- (c) affect any right of determining a contract or condition in a contract exerciseable independently of this section; or
- (d) affect any condition in a contract for the lease of or licence to use a patented article, whereby the lessor or licensor reserves to himself or his nominees the right to supply such new parts of the patented article as may be required to put or keep it in repair.

This section is new. It was (Amendment) Act of 1907, sect. 24.

Sub-sects. 1 and 4 relate to contracts made after the passing of the Act; sub-sect. 2 relates to contracts whether made before or after the passing of the Act; and sub-sect. 3 relates to contracts made before the passing of the Act, *i.e.* 28th August, 1907.

A licensor of an article or process protected by the patent must of necessity have an interest in the patent, but a seller or lessor need not have any such interest. The Courts, having regard to the object of the section, may possibly construe the words "sale" and "lease" as limited to transactions *ejusdem generis* with licence, and so hold that the section only applies to contracts to which a person for the time being having an interest in the patent is a party. Otherwise the section would make alterations in the general law of contracts of a very startling nature, which it could hardly have been the intention of Parliament to effect by this incorporated section 24 of the Patents and Designs (Amendment) Act of 1907, which, as regards patents, otherwise only purported to deal with the amendment of the law relating to questions in which applicants for patents, or patentees, are personally concerned.

Sub-sect. 1 has reference to the insertion of certain conditions in any contract made after the passing of the Act in relation to the sale or lease of, or licence to use or work any article or process protected by a patent, and declares that any such condition shall be null and void, as being in restraint of trade, unless the provisions of the proviso to the sub-section are complied with. To be within this sub-section the contract must be made after the passing of the Act, and the condition must be of the defined kind, and must relate to the sale or lease of, or licence to use or work an article or process protected by a patent. The words "protected by a patent" clearly mean that the article or process to which the condition relates must be one the unlicensed manufacture, use, or sale of which would be a direct or indirect infringement of

the patent rights of the patentee, *i.e.* the person for the time being entitled to the benefit of the patent (see sect. 93). It is the condition which is declared to be null and void, not the contract as a whole, which contains the condition ; and, where the contract is one which consists of several parts, the legal parts of the contract are enforceable in accordance with the time-honoured rule laid down in Coke's Reports (Pigot's Case, Co. Rep. 11), which is applicable to illegalities existing by statute or at common law, viz. "That if some of the covenants of an indenture or of the conditions endorsed upon a bond are against law and some are good and lawful, that in this case the covenants or conditions which are against law are void *ab initio*, and the others stand good."

Referring to the particular conditions which are, by sub-sect. 1, made null and void as being in restraint of trade, it is to be noticed that such conditions are defined by reference to their effect. Those within sub-sect. 1 (*a*) are such as have the effect of prohibiting or restraining the purchaser, lessee or licensee of the protected article from *using* any article supplied by any person other than the seller, lessor, or licensor. Those within sub-sect. 1 (*b*) are such as have the effect of requiring the purchaser, lessee, or licensee of the protected article to *acquire* from the seller, lessor, or licensor, or his nominees, any article or class of articles not protected by the patent. Sub-sect. 1 (*a*) does not mention *nominatim* a non-patented process, but a condition to the effect that the purchaser, lessee or licensee of the protected article or process should not use a non-patented process, would be null and void as being a restraint upon the use of articles by which the non-patented process is carried out, and which are supplied by or owned by a person other than the seller, lessor, or licensor.

The definitions in sub-sect. 1 (*a*) and (*b*) are modified by sub-sect. 5 (*a*) and (*b*). Thus, in cases not covered by the proviso to sub-sect. 1, a condition which provides that a licensee shall not use with the protected article any article, whether or not it is the subject of a patent other than the patent to which the contract relates, is null and void as being a prohibition or restriction under sub-sect. 1 (*a*), and if the condition provides that the lessee shall acquire any such article, other than the article protected by the patent, from the patentee only it is null and void under sub-sect. 1 (*b*). But a condition to the effect that the lessee shall not sell any goods of the patented class other than those of the patentee is good under sub-sect. 5 (*a*), though the contract is subject to the provisions of sub-sect. 2 ; and a condition which provides that the licensee will acquire from the patentee, or his nominees, only any article, whether patented or not, which is to be used to replace an old part of the

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patented article so as to put or keep the patented article in repair, is good under sub-sect. 5 (a), though the extension of the condition beyond the life of the patent would be subject to the provisions of sub-sect. 2.

The words in sub-sect. 2, "the patent or all the patents by which the article or process was protected," apparently imply that the right under the sub-section does not arise until "the patented article or process" is no longer one the sale or use of which, without the licence of the patentee is, apart from the terms of the agreement, lawful, in consequence of the patentee having no existing patent rights in respect of it. That is to say, where the patented article or process is protected, at the time of the contract, by more than one patent, all must cease to be in force before the rights under sub-sect. 2 come into being.

In view of the penalty imposed by sub-sect. 4, it behoves patentees who contemplate entering into contracts for sale, lease or licence to very carefully consider the terms of this section in relation to the proposed contract before it is finally settled.

Costs and
security for
costs.

39.—(1) The comptroller shall, in proceedings relating to an opposition to the grant of a patent or to an application for the amendment of a specification or the revocation of a patent, have power by order to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid, and any such order may be made a rule of the Court.

(2) If a party giving notice of opposition to the grant of a patent or to the amendment of a specification, or applying to the comptroller for the revocation of a patent, or giving notice of appeal from any decision of the comptroller, neither resides nor carries on business in the United Kingdom or the Isle of Man, the comptroller, or, in case of appeal to the law officer, the law officer, may require such party to give security for costs of the proceedings or appeal, and in default of such security being given may treat the proceedings or appeal as abandoned.

This section is new. It was (Amendment) Act, 1907, sect. 46.

Sub-sect. 1 gives to the comptroller the same power in the matter of awarding costs of proceedings before him as the law officer enjoyed under sect. 38 of the Act of 1883, which is the next succeeding section of this Act.

Sub-sect. 2 gives both the comptroller and the law officer power to require security for costs from parties opposing the grant of a

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patent, or the amendment of a specification, or applying for revocation of a patent, and not residing in or carrying on business in the United Kingdom or the Isle of Man.

40. The law officer may examine witnesses on oath and administer oaths for that purpose, and may make rules regulating references and appeals to the law officer and the practice and procedure before him under this Part of this Act; and in any proceeding before the law officer under this Part of this Act, the law officer may order costs to be paid by either party, and any such order may be made a rule of the Court.

Procedure on appeal to law officer.

This section is the same as Act of 1883, sect. 38, except that it is expressed in the singular instead of the plural. Sect. 93 defines "law officer" as meaning the Attorney-General or Solicitor-General for England.

41.—(1) An invention covered by any patent applied for on or after the first day of January one thousand nine hundred and five shall not be deemed to have been anticipated by reason only of its publication in a specification left pursuant to an application made in the United Kingdom not less than fifty years before the date of the application for the patent, or of its publication in a provisional specification of any date not followed by a complete specification.

Provisions as to anticipation.

(2) A patent shall not be held to be invalid by reason only of the invention in respect of which the patent was granted, or any part thereof, having been published prior to the date of the patent, if the patentee proves to the satisfaction of the Court that the publication was made without his knowledge and consent, and that the matter published was derived or obtained from him, and, if he learnt of the publication before the date of his application for the patent, that he applied for and obtained protection for his invention with all reasonable diligence after learning of the publication.

Publication

Sub-sect. 1 is Act of 1902, sect. 2, with the insertion of the date upon which sect. 1 of that Act (which is sect. 7 of this Act) came into operation.

Sub-sect. 2 is new, and was introduced by (Amendment) Act of 1907, sect. 22. The sub-section affects the law of publication

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

by personal communication (see Vol. I., p. 140), and will be a real benefit to many an inventor who desires to entrust his invention to others in confidence before applying for a patent in respect of it, *e.g.* to a workman, as in the pince-nez case (Vol. I., p. 140), to construct the thing in order to ascertain whether it will really have the effect the inventor anticipates. The section does not protect the inventor against the consequences of his own voluntary publication of the invention, *e.g.* by a public use, before the application, in the presence of persons not bound to him by terms of confidence and secrecy. Apparently the publication referred to in the sub-section is a publication in this country without the knowledge and consent of the patentee, and so a voluntary publication made abroad, which, contrary to the desire and intention of the inventor, resulted in the publication in this country before the application for a British patent, would not invalidate the grant.

Disconformity.

42. A patent shall not be held to be invalid on the ground that the complete specification claims a further or different invention to that contained in the provisional, if the invention therein claimed, so far as it is not contained in the provisional, was novel at the date when the complete specification was put in, and the applicant was the first and true inventor thereof.

This section is new. It was (Amendment) Act of 1907, sect. 9.

In the past many a patent has been rendered invalid because the patentee has included in his claim something which, though, in fact, his invention and novel when the complete specification was put in, was not fairly foreshadowed in the provisional specification. In such circumstances the grant was bad on the ground of disconformity, and if the patentee disclaimed the subject-matter of the disconformity, so as to validate the patent in respect of the rest of the claim, the public became possessed of the disclaimed subject-matter, because, since it was published by the acceptance and consequent advertisement of the complete specification, it could not be made the subject-matter of another patent. This was a great hardship on the inventor. In cases of doubt whether the additional subject-matter really constituted a disconformity, the inventor might have adopted the course of including it in the original patent, and, before the publication of the complete specification, applying for a further patent limited to the additional subject-matter as suggested at Vol. I., p. 193, but this was no protection against the effect of the possible publication of it before the date of the further patent. This section removes the above-indicated hardship, and renders the application for a further limited patent in all cases unnecessary.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

Applicants intending to rely upon this section must take care that there is no publication of the further or different invention under any such circumstances such as would preclude them from enjoying the benefit of sect. 41, sub-sect. 2. The further or additional invention must be novel at the date when the complete specification is put in, though this condition is subject to the provisions of sect. 41, sub-sect. 2. Further, the applicant must, to be within this section, be the first and true inventor of the further or other invention, which he would not be if another inventor had independently published the invention or had applied for a patent in respect of it before the date when the complete specification is put in.

The Court will still have to decide the issue of disconformity in many cases, *e.g.* where there is an allegation of disconformity coupled with the additional allegation that the subject-matter of the disconformity is a further or other invention, which was not novel when the complete specification was put in, or of which the applicant was not the true and first inventor. Also it would appear to be open to a defendant in an action for infringement or a petitioner for revocation, to contend that there is a disconformity and the subject-matter of the disconformity is not, in view of the provisional specification, an invention at all, and so the patentee is not entitled to any benefit under this section.

For information upon the subject of variations between the specifications, and which constitute disconformity and which do not, see Vol. I., pp. 188-198.

43.—(1) If the person claiming to be inventor of an invention dies without making an application for a patent for the invention, application may be made by, and a patent for the invention granted to, his legal representative.

Patent on application of representative of deceased inventor.

(2) Every such application must contain a declaration by the legal representative that he believes him to be the true and first inventor of the invention.

This section is Act of 1883, sect. 34, as amended by (Amendment) Act of 1907, sect. 20. The amendment consists in the deletion of the words "must be made within six months of the decease of such person and," which occur in sub-sect. 2 immediately after the word "application."

44. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the comptroller, the comptroller may at any time seal a duplicate thereof.

Loss or destruction of patent.

This was Act of 1883, sect. 37. See Patents Rules, 1908, r. 100.

Provisions as
to exhibitions.

45.—(1) The exhibition of an invention at an industrial or international exhibition, certified as such by the Board of Trade, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor to apply for and obtain a patent in respect of the invention or the validity of any patent granted on the application, provided that—

(a) the exhibitor, before exhibiting the invention, gives the comptroller the prescribed notice of his intention to do so; and

(b) the application for a patent is made before or within six months from the date of the opening of the exhibition.

(2) His Majesty may by Order in Council apply this section to any exhibition mentioned in the Order in like manner as if it were an industrial or international exhibition certified as such by the Board of Trade, and any such Order may provide that the exhibitor shall be relieved from the condition of giving notice to the comptroller of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the Order.

Sub-sect. 1 was Act of 1883, sect. 39. Sub-sect. 2, in accordance with the provisions of Act of 1886, sect. 3, extends sect. 1 to exhibitions held out of the United Kingdom. See Patents Rules, 1908, r. 101.

Publication of
illustrated
journal,
indexes, &c.

46.—(1) The comptroller shall issue periodically an illustrated journal of patented inventions, as well as reports of patent cases decided by courts of law, and any other information that he may deem generally useful or important.

(2) Provision shall be made by the comptroller for keeping on sale copies of such journal, and also of all complete specifications of patents in force, with any accompanying drawings.

(3) The comptroller shall continue, in such form as he deems expedient, the indexes and abridgments of specifications hitherto published, and shall prepare and publish

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

such other indexes, abridgments of specifications, catalogues, and other works relating to inventions, as he thinks fit.

This section was Act of 1883, sect. 40.

47.—(1) The control and management of the Patent Museum and its contents shall remain vested in the Board of Education, subject to such directions as His Majesty in Council may think fit to give. Patent Museum.

(2) The Board of Education may at any time require a patentee to furnish them with a model of his invention on payment to the patentee of the cost of the manufacture of the model, the amount to be settled, in case of dispute, by the Board of Trade.

Sub-sect. 1 of this section continues the provisions of Act of 1883, sect. 41, which transferred the control and management of the then existing Patent Museum and its contents to the Department of Science and Art; and sub-sect. 2 was Act of 1883, sect. 42. In both sub-sections the words "Board of Education" are substituted for the words "Science and Art Department" in the old sections.

48.—(1) A patent shall not prevent the use of an invention for the purposes of the navigation of a foreign vessel within the jurisdiction of any of His Majesty's Courts in the United Kingdom, or Isle of Man, or the use of an invention in a foreign vessel within that jurisdiction, provided it is not used therein for or in connection with the manufacture or preparation of anything intended to be sold in, or exported from, the United Kingdom or Isle of Man. Foreign vessels in British waters.

(2) This section shall not extend to vessels of any foreign state of which the laws do not confer corresponding rights with respect to the use of inventions in British vessels while in the ports of that state, or in the waters within the jurisdiction of its courts.

Sub-sect. 1 is verbatim the same as Act of 1883, sect. 43, sub-sect. 1.

Sub-sect. 2 is Act of 1883, sect. 43, sub-sect. 2, but expressed in a more condensed form of words, which, however, do not make any alteration in the law.

The use of a patented invention in a British ship outside British waters is no infringement of a British patent. This is so notwithstanding the doctrine that a vessel of a country is the

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

territory of that country, because the grant of a British patent is, by its terms, limited to the United Kingdom and the Isle of Man (see sect. 14, *ante*, Vol. I., p. 181). Use within British waters is, of course, use in Britain.

PART II.

DESIGNS.

Registration of Designs.

Application for
registration of
designs.

49.—(1) The comptroller may, on application made in the prescribed form and manner of any person claiming to be the proprietor of any new or original design not previously published in the United Kingdom, register the design under this Part of this Act.

(2) The same design may be registered in more than one class, and, in case of doubt as to the class in which a design ought to be registered, the comptroller may decide the question.

(3) The comptroller may, if he thinks fit, refuse to register any design presented to him for registration, but any person aggrieved by any such refusal may appeal to the Board of Trade, and the Board shall, after hearing the applicant and the comptroller, if so required, make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(4) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within the prescribed time shall be deemed to be abandoned.

(5) A design when registered shall be registered as of the date of the application for registration.

Sub-sect. 1 comprises Act of 1883, sect. 47, sub-sects. 1, 2, and 3. The use of the words, "made in the prescribed manner," together with the power conferred on the Board of Trade by sect. 86, sub-sect. 1 (*a*), to make general rules for regulating the practice of registration under the Act, and the provisions of sect. 86, sub-sect. 2, to the effect that general rules shall, whilst in force, be of the same effect as if they were contained in the Act, renders the repetition of Act of 1883, sect. 47, sub-sects. 2 and 3 and sect. 48 unnecessary.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

Sub-sect. 2 is composed of Act of 1883, sect. 47, sub-sects. 4 and 5; and sub-sect. 3 is composed of Act of 1883, sect. 47, sub-sects. 6 and 7.

Sub-sects. 4 and 5 are new. They were (Amendment) Act of 1907, sect. 29, sub-sects. 8 and 10 respectively.

The procedure under this section is regulated by Designs Rules, 1908, rr. 13-36 and 80-88.

50. Where a design has been registered in one or more classes of goods the application of the proprietor of the design to register it in some one or more other classes shall not be refused, nor shall the registration therefore be invalidated—

Registration of designs in new classes.

- (a) on the ground of the design not being a new and original design, by reason only that it was so previously registered; or
- (b) on the ground of the design having been previously published in the United Kingdom, by reason only that it has been applied to goods of any class in which it was so previously registered.

This section is new. It was (Amendment) Act of 1907, sect. 33.

The object of the section is to enable the proprietor of the design, though he has already registered it under the previous section, to register it in another class or other classes, provided that, apart from the previous registration and application (if any) to goods in the class or classes for which it was previously registered, it is a new or original design not previously published.

51.—(1) The comptroller shall grant a certificate of registration to the proprietor of the design when registered.

Certificate of registration.

(2) The comptroller may, in case of loss of the original certificate, or in any other case in which he deems it expedient, furnish one or more copies of the certificate.

This section was Act of 1883, sect. 49.

52.—(1) There shall be kept at the Patent Office a book, called the Register of Designs, wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs, and such other matters as may be prescribed.

Register of designs.

(2) The register of designs existing at the commencement of this Act shall be incorporated with and form part of the register of designs under this Act.

(3) The register of designs shall be *primâ facie* evidence of any matters by this Act directed or authorised to be entered therein.

This section is the same as Act of 1883, sect. 5, with the addition of sub-sect. 2. This addition is necessary in order to preserve the register existing at the commencement of the Act as a part of the continuing register.

Copyright in Registered Designs.

Copyright on registration.

53.—(1) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Act, have copyright in the design during five years from the date of registration.

(2) If within the prescribed time before the expiration of the said five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller shall, on payment of the prescribed fee, extend the period of copyright for a second period of five years from the expiration of the original period of five years.

(3) If within the prescribed time before the expiration of such second period of five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller may, subject to any rules under this Act, on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years.

Sub-sect. 1 was Act of 1883, sect. 50, sub-sect. 1.

Sub-sects. 2 and 3 are new. They together constituted (Amendment) Act of 1907, sect. 31, sub-sect. 1. Formerly registration only lasted for five years. Now, under sub-sect. 2, the proprietor, if he conforms to the procedure laid down in the sub-section, is entitled to copyright in the design for a second period of five years. And under sub-sect. 3 he is, subject to any rules under this Act, entitled to copyright for a third period of five years.

Rules in reference to this section have been made. They are Designs Rules, 1908, rr. 37-42.

Requirements before delivery on sale.

54.—(1) Before delivery on sale of any articles to which a registered design has been applied, the proprietor shall—

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

- (a) (if exact representations or specimens were not furnished on the application for registration), furnish to the comptroller the prescribed number of exact representations or specimens of the design; and if he fails to do so, the comptroller may erase his name from the register, and thereupon the copyright in the design shall cease; and
 - (b) cause each such article to be marked with the prescribed mark, or with the prescribed words or figures, denoting that the design is registered; and if he fails to do so the proprietor shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design unless he shows that he took all proper steps to ensure the marking of the article, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of the copyright in the design.
- (2) Where a representation is made to the Board of Trade by or on behalf of any trade or industry that in the interests of the trade or industry it is expedient to dispense with or modify as regards any class or description of articles any of the requirements of this section as to marking, the Board may, if they think fit, by rule under this Act dispense with or modify such requirements as regards any such class or description of articles to such extent and subject to such conditions as they think fit.

Sub-sect. 1 (a) is Act of 1883, sect. 50, sub-sect. 2.

Sub-sect. 1 (b) is Act. of 1883, sect. 51, as amended by (Amendment) Act of 1907, sect. 32, sub-sect. 1. The amendment consists in the repeal of the following words, which in the old section appeared after the words "if he fails to do so," viz. "the copyright in the design shall cease unless the proprietor shows that he took all proper steps to ensure the marking of the article," and the substitution therefore of the words in the present sub-sect. 1 (b) from and including the words "the proprietor shall not be entitled" to the end of the sub-section. Thus, after the requirements of sub-sect. 1 (a) have been complied with, the penalty for not marking an article to which the registered design is applied is not cessation of copyright, but inability to recover any penalty or damages in respect of any infringement except upon proof that the

proprietor took all proper steps to ensure the marking, or unless he saddles the infringer with *scienter* of the copyright before the infringement was committed. Since there is no cessation of the copyright, an injunction could apparently be obtained, notwithstanding the infringer had no knowledge of the existence of the copyright before infringement, and the proprietor fails to prove that he took all proper steps to ensure the marking of the article.

Sub-sect. 2 is entirely new. It was (Amendment) Act of 1907, sect. 32, sub-sect. 2.

Effect of
disclosure on
copyright.

55. The disclosure of a design by the proprietor to any other person, in such circumstances as would make it contrary to good faith for that other person to use or publish the design, and the disclosure of a design in breach of good faith by any person other than the proprietor of the design, and the acceptance of a first and confidential order for goods bearing a new or original textile design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof if registration thereof is obtained subsequently to the disclosure or acceptance.

This section is entirely new. It was (Amendment) Act of 1907, sect. 31, sub-sect. 2.

The section alters the law of personal publication of designs in a manner highly analogous to the alteration effected by sect. 41, sub-sect. 2, of the law of personal publication of inventions (see notes to sect. 41).

Inspection of
registered
designs.

56.—(1) During the existence of copyright in a design, or such shorter period not being less than two years from the registration of the design as may be prescribed, the design shall not be open to inspection except by the proprietor or a person authorised in writing by him, or a person authorised by the comptroller or by the Court, and furnishing such information as may enable the comptroller to identify the design, and shall not be open to the inspection of any person except in the presence of the comptroller, or of an officer acting under him, and on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design, or of any part thereof:

Provided that where registration of a design is refused on the ground of identity with a design already registered, the

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

applicant for registration shall be entitled to inspect the design so registered.

(2) After the expiration of the copyright in a design, or such shorter period as aforesaid, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

(3) Different periods may be prescribed under this section for different classes of goods.

Sub-sect. 1 is Act of 1883, sect. 52, sub-sect. 1, as amended by Act of 1888, sect. 6, with a further amendment which was introduced by (Amendment) Act of 1907, sect. 34, sub-sect. 1. The said further amendment consists in the insertion of the words "or such shorter period not being less than two years from the registration of the design as may be prescribed."

Sub-sect. 2 is Act of 1883, sect. 52, sub-sect. 2 as amended by (Amendment) Act of 1907, sect. 34, sub-sect. 1. The amendment consists in the substitution of the words, "after the expiration of the copyright in a design or such shorter period as aforesaid," for the words, "when the copyright in a design has ceased," at the commencement of the sub-section.

Sub-sect. 3 is new. It was introduced by (Amendment Act of 1907, sect. 34, sub-sect. 2. See Designs Rules, 1908, r. 69.

57. On the request of any person furnishing such information as may enable the comptroller to identify the design, and on payment of the prescribed fee, the comptroller shall inform such person whether the registration still exists in respect of the design, and if so, in respect of what classes of goods, and shall state the date of registration, and the name and address of the registered proprietor.

Information as to existence of copyright.

This section is Act of 1883, sect. 53, expressed in somewhat condensed language. The different phraseology effects no alteration in the law. See Designs Rules, 1908, rr. 59-60.

58.—(1) At any time after the registration of a design any person may apply to the comptroller for the cancellation of the registration on the ground that the design is used for manufacture exclusively or mainly outside the United Kingdom, and where such an application is made the provisions of this Act with respect to the revocation of patents worked outside the United Kingdom (including those relating to costs) shall apply with the necessary modifications, except

Cancellation of registration of designs used wholly or mainly abroad.

that there shall be no appeal from the decision of the comptroller.

(2) Such ground as aforesaid shall be available by way of a defence to an action for infringement of the copyright in the design.

This section is new. It was (Amendment) Act of 1907, sect. 35.

The (Amendment) Act of 1907, sect. 51, sub-sect. 3, repealed sect. 54 of the Act of 1883, which provided that "if a registered design is used in manufacture in any foreign country, and is not used in this country within six months of its registration in this country, the copyright in the design shall cease."

The provisions of this Act with reference to patents referred to in this section are contained in sects. 27 and 39. See Designs Rules, 1908, rr. 70-75.

Industrial and International Exhibitions.

Provisions as
to exhibitions.

59.—(1) The exhibition at an industrial or international exhibition certified as such by the Board of Trade, or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor, of a design, or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof: Provided that—

- (a) The exhibitor, before exhibiting the design or article, or publishing a description of the design, gives the comptroller the prescribed notice of his intention to do so; and
- (b) The application for registration is made before or within six months from the date of the opening of the exhibition.

(2) His Majesty may, by Order in Council, apply this section to any exhibition mentioned in the Order in like manner as if it were an industrial or international exhibition certified as such by the Board of Trade, and any such Order may provide that the exhibitor shall be relieved from the condition of giving notice to the comptroller of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the Order.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

Sub-sect. 1 of this section was Act of 1883, sect. 57; and sub-sect. 2, in accordance with the provisions of Act of 1886, sect. 3, extends the provisions of sub-sect. 1 to exhibitions held out of the United Kingdom. See Designs Rules, 1908, r. 76.

Legal Proceedings.

60.—(1) During the existence of copyright in any design Piracy of registered design. it shall not be lawful for any person—

- (a) For the purposes of sale to apply or cause to be applied to any article in any class of goods in which the design is registered the design or any fraudulent or obvious imitation thereof, except with the licence or written consent of the registered proprietor, or to do anything with a view to enable the design to be so applied; or
- (b) Knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article without the consent of the registered proprietor to publish or expose or cause to be published or exposed for sale that article.

(2) If any person acts in contravention of this section he shall be liable for every contravention to pay to the registered proprietor of the design a sum not exceeding fifty pounds, recoverable as a simple contract debt, or if the proprietor elects to bring an action for the recovery of damages for such contravention, and for an injunction against the repetition thereof, he shall be liable to pay such damages as may be awarded and to be restrained by injunction accordingly:

Provided that the total sum recoverable as a simple contract debt in respect of any one design shall not exceed one hundred pounds.

This section is Act of 1883, sect. 58, as amended by Act of 1888, sect. 7, sub-sect. 2, and further amended by (Amendment) Act of 1907, sect. 36.

The proviso was added by Act of 1888, sect. 7, sub-sect. 2.

The (Amendment) Act of 1907, sect. 36, added the words at the end of sub-sect. 1 (a) “or to do anything with a view to enable the design to be so applied,” and the words at the end of sub-sect. 1 (b), “or cause to be published or exposed.” It also repealed sect. 59 of the Act of 1883, and substituted therefor the provision in sub-

sect. 2 expressed in the words, "or if the proprietor elects to bring an action for the recovery of damages for such contravention, and for an injunction against the repetition thereof, he shall be liable to pay such damages as may be awarded and to be restrained by injunction accordingly."

Application of certain provisions of the Act as to patents to designs.

61. The provisions of this Act with regard to certificates of the validity of a patent, and to the remedy in case of groundless threats of legal proceedings by a patentee shall apply in the case of registered designs in like manner as they apply in the case of patents, with the substitution of references to the copyright in a design for references to a patent, and of references to the proprietor of a design for references to the patentee, and of references to the design for references to the invention.

This section is entirely new. It was (Amendment) Act of 1907, sect. 37.

Sect. 35 contains the provisions of the Act with regard to certificates of the validity of a patent; and sect. 36 contains the like provisions with regard to the remedy of groundless threats of legal proceedings by a patentee.

PART III.

GENERAL.

Patent Office and Proceedings thereat.

Patent Office.
5 Edw. 7, c. 15.

62.—(1) The Treasury may continue to provide for the purposes of this Act and the Trade Marks Act, 1905, an office with all requisite buildings and conveniences, which shall be called, and is in this Act referred to as, the Patent Office.

(2) The Patent Office shall be under the immediate control of the comptroller, who shall act under the superintendence and direction of the Board of Trade.

(3) Any act or thing directed to be done by or to the comptroller may be done by or to any officer authorised by the Board of Trade.

(4) Rules under this Act may provide for the establishment of branch offices for designs at Manchester or elsewhere, and for any document or thing required by this Act to be sent to or done at the Patent Office being sent to or done at any branch office which may be established.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

Sub-sects. 1, 2, and 3 are the corresponding sub-sects. 1, 3, and 4 of sect. 82 of the Act of 1883, as amended by the Act of 1902, sect. 4. Sub-sect. 4 is new, and was introduced by the (Amendment) Act of 1907, sect. 38.

63.—(1) There shall continue to be a comptroller-general of patents, designs, and trade marks, and the Board of Trade may, subject to the approval of the Treasury, appoint the comptroller, and so many examiners and other officers and clerks, with such designations and duties as the Board of Trade think fit, and may remove any of those officers and clerks. Officers and clerks.

(2) The salaries of those officers and clerks shall be appointed by the Board of Trade, with the concurrence of the Treasury, and those salaries and the other expenses of the execution of this Act and the Trade Marks Act, 1905, shall continue to be paid out of money provided by Parliament.

This section embodies and continues the provisions of Act of 1883, sect. 83. The Trade Marks Act of 1905 did not repeal the old section in so far as it applied to trade marks. Hence the necessity for the special mention of the Trade Marks Act of 1905 in the present section of this consolidating Act.

64. Impressions of the seal of the Patent Office shall be judicially noticed and admitted in evidence. Seal of Patent Office.

The seal of the Patent Office was instituted by the Act of 1883, sect. 84, which corresponds to this section. No mention of the institution of the seal is required in the present section (see Interpretation Act, 1889, sect. 38, sub-sect. 2 (b)).

Fees.

65. There shall be paid in respect of the grant of patents and the registration of designs, and applications therefor, and in respect of other matters with relation to patents and designs under this Act, such fees as may be, with the sanction of the Treasury, prescribed by the Board of Trade, so, however, that the fees prescribed in respect of the instruments and matters mentioned in the First Schedule to this Act shall not exceed those specified in that Schedule. Fees.

This section comprises Act of 1883, sects. 24 and 56.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

The present fees in respect of the grant and application for patents are those set out in Patents Rules, 1908.

The present fees in respect of the registration of and application for the registration of designs are those set out in Designs Rules, 1908.

Provisions as to Registers and other Documents in Patent Office.

Trust not to be entered in registers.

66. There shall not be entered in any register kept under this Act, or be receivable by the comptroller, any notice of any trust expressed, implied, or constructive.

This section was Act of 1883, sect. 85.

Inspection of and extracts from registers.

67. Every register kept under this Act shall at all convenient times be open to the inspection of the public, subject to the provisions of this Act and to such regulations as may be prescribed; and certified copies, sealed with the seal of the Patent Office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

This section is Act of 1883, sect. 88, as amended by Act of 1888, sect. 22.

Privilege of reports of examiners.

68. Reports of examiners made under this Act shall not in any case be published or be open to public inspection, and shall not be liable to production or inspection in any legal proceeding, unless the Court or officer, having power to order discovery in such legal proceeding, certifies that such production or inspection is desirable in the interests of justice, and ought to be allowed.

This section comprises Act of 1883, sect. 9, sub-sect. 5, as amended by Act of 1888, sect. 3.

Prohibition of publication of specification, drawings, &c.

69.—(1) Where an application for a patent has been abandoned or become void, the specifications and drawings (if any) accompanying or left in connexion with such application shall not, save as otherwise expressly provided by this Act, at any time be open to public inspection or be published by the comptroller.

(2) Where an application for a design has been abandoned or refused, the application, and any drawings, photographs,

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

tracings, representations, or specimens left in connexion with the application, shall not at any time be open to public inspection or be published by the comptroller.

Sub-sect. 1 comprises Act of 1885, sect. 4, and Act of 1901, sect. 1, sub-sect. 2. The latter is incorporated by means of the words, "save as otherwise expressly provided by this Act." The provision referred to is contained in sect. 91, sub-sect. 3 (a), which incorporates Act of 1901, sect. 1, sub-sect. 2.

Sub-sect. 2 is new. It was introduced by (Amendment) Act of 1907, sect. 29. Its effect is to extend to designs the provisions of sub-sect. 1 which are applicable to patents.

70. The comptroller may, on request in writing accompanied by the prescribed fee,—

Power for
comptroller to
correct clerical
errors.

- (a) correct any clerical error in or in connexion with an application for a patent or in any patent or any specification;
- (b) cancel the registration of a design either wholly or in respect of any particular goods in connexion with which the design is registered;
- (c) correct any clerical error in the representation of a design or in the name and address of the proprietor of any patent or design, or in any other matter which is entered upon the register of patents or the register of designs.

This section is new. It was substituted for sect. 91 of Act of 1883 by (Amendment) Act of 1907, sect. 41.

A reference to Vol. II., pp. 233-234, will show that the present section extends the former powers of the comptroller with reference to the correction of clerical errors. His extended or new powers are—

- (a) to correct any clerical error in any patent or any specification;
- (b) to cancel the registration of a design either wholly or in respect of any particular goods in connexion with which the design is registered;
- (c) to correct any clerical error in any other matter which is entered upon the register of patents or the register of designs.

It was the practice to allow the correction of clerical errors in specifications under sect. 18 of the Act of 1883, which is sect. 21 of this Act (see Vol. II., p. 77).

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

Entry of
assignments
and trans-
missions in
registers.

71.—(1) Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to the copyright in a registered design, the comptroller shall, on request and on proof of title to his satisfaction, register him as the proprietor of a patent or design.

(2) Where any person becomes entitled as mortgagee, licensee, or otherwise to any interest in a patent or design, the comptroller shall, on request and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of patents or designs, as the case may be.

(3) The person registered as the proprietor of a patent or design shall, subject to the provisions of this Act and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with, the patent or design, and to give effectual receipts for any consideration for any such assignment, licence, or dealing: Provided that any equities in respect of the patent or design may be enforced in like manner as in respect of any other personal property.

This section is Act of 1883, sect. 87, as amended by the Act of 1888, sect. 21, and as added to by the (Amendment) Act of 1907, sect. 39.

The addition to the former amended section consists of the provisions contained in sub-sect. 2. These new statutory provisions will not effect any substantial alterations in the former practice (see Vol. II., p. 128, and sect. 28, *ante*).

Rectification
of registers by
Court.

72.—(1) The Court may, on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of patents or designs of any entry, or by any entry made in either such register without sufficient cause, or by any entry wrongly remaining on either such register, or by an error or defect in any entry in either such register, make such order for making, expunging, or varying such entry as it may think fit.

(2) The Court may, in any proceeding under this section, decide any question that it may be necessary or expedient to decide in connexion with the rectification of a register.

(3) The prescribed notice of any application under this section shall be given to the comptroller, who shall have the

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right to appear and be heard thereon, and shall appear if so directed by the Court.

(4) Any order of the Court rectifying a register shall direct that notice of the rectification be served on the comptroller in the prescribed manner, who shall upon the receipt of such notice rectify the register accordingly.

This section is partly new. It was by (Amendment) Act of 1907, sect. 40, substituted for sect. 90 of the Act of 1883.

Under the existing Supreme Court Rules the manner of application to the Court is by way of motion. See Patents Rules, 1908, r. 112.

Powers and Duties of Comptroller.

73. Where any discretionary power is by or under this Act given to the comptroller, he shall not exercise that power adversely to the applicant for a patent, or for amendment of a specification, or for registration of a design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard.

Exercise of discretionary power by comptroller.

This section embodies sect. 94 of the Act of 1883 as limited to Patents and Designs by the Trade Marks Act of 1905, sect. 73.

74. The comptroller may in any case of doubt or difficulty arising in the administration of any of the provisions of this Act apply to a law officer for directions in the matter.

Power of comptroller to take directions of law officers.

This section was Act of 1883, sect. 95.

75. The comptroller may refuse to grant a patent for an invention, or to register a design, of which the use would, in his opinion, be contrary to law or morality.

Refusal to grant patent, &c., in certain cases.

This section embodies sect. 86 of the Act of 1883 as limited to Patents and Designs by the Trade Marks Act of 1905, sect. 73.

76. The comptroller shall, before the first day of June in every year, cause a report respecting the execution by or under him of this Act to be laid before both Houses of Parliament, and therein shall include for the year to which the report relates all general rules made in that year under or for the purposes of this Act, and an account of all fees,

Annual reports of comptroller.

salaries and allowances, and other money received and paid under this Act.

This section was Act of 1883, sect. 102.

Evidence
before comp-
troller.

77.—(1) Subject to rules under this Act, in any proceeding under this Act before the comptroller the evidence shall be given by statutory declaration in the absence of directions to the contrary; but in any case in which the comptroller thinks it right so to do, he may take evidence *vivâ voce* in lieu of or in addition to evidence by declaration or allow any declarant to be cross-examined on his declaration. Any such statutory declaration may in the case of appeal be used before the Court in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit.

(2) In case any part of the evidence is taken *vivâ voce*, the comptroller shall, in respect of requiring the attendance of witnesses and taking evidence on oath, be in the same position in all respects as an official referee of the Supreme Court.

This section is new. It was (Amendment) Act of 1907, sect. 45. It gives to the comptroller, for the first time, the power to take evidence on oath, which was a power formerly enjoyed by the law officer, under sect. 38 of the Act of 1883, *i.e.* sect. 40 of this Act, but not by the comptroller. The comptroller, however, in the event of an opposition to the grant of a patent on the ground that the applicant had obtained the invention from the opponent, was empowered by rule 44 of the Patent Rules of 1903 to request or allow any person who had made a statutory declaration in the matter to which the opposition related to attend before him at the hearing of the case and make oral explanations with respect to such matters as the comptroller might require.

Certificate of
comptroller to
be evidence.

78. A certificate purporting to be under the hand of the comptroller as to any entry, matter, or thing which he is authorised by this Act, or any general rules made thereunder, to make or do, shall be *primâ facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

This section is sect. 96 of the Act of 1883 as limited to Patents and Designs by sect. 73 of the Trade Marks Act of 1905.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

79. Printed or written copies or extracts, purporting to be certified by the comptroller and sealed with the seal of the Patent Office, of or from patents, specifications, and other documents in the Patent Office, and of or from registers and other books kept there, shall be admitted in evidence in all Courts in His Majesty's dominions, and in all proceedings, without further proof or production of the originals.

Evidence of documents in Patent Office.

This section is sect. 89 of the Act of 1883 as limited to Patents and Designs by sect. 73 of the Trade Marks Act of 1905.

80.—(1) Copies of all specifications, drawings, and amendments left at the Patent Office after the commencement of this Act, printed for and sealed with the seal of the Patent Office, shall be transmitted to the Edinburgh Museum of Science and Art, and to the Enrolments Office of the Chancery Division in Ireland, and to the Rolls Office in the Isle of Man, within twenty-one days after they have been accepted or allowed at the Patent Office.

Transmission of certified printed copies of specifications, &c.

(2) Certified copies of or extracts from any such documents and of any documents so transmitted in pursuance of any enactment repealed by this Act shall be given to any person on payment of the prescribed fee; and any such copy or extract shall be admitted in evidence in all Courts in Scotland and Ireland and in the Isle of Man without further proof or production of the originals.

This section embodies and continues the provisions of sect. 100 of the Act of 1883.

81. Any application, notice, or other document authorised or required to be left, made, or given at the Patent Office or to the comptroller, or to any other person under this Act, may be sent by post.

Applications and notices by post.

This section is sect. 97 of the Act of 1883 as limited to Patents and Designs by sect. 73 of the Trade Marks Act of 1905, with the omission of certain words at the end, which are unnecessary in view of sect. 26 of the Interpretation Act, 1889.

82. Where the last day fixed by this Act for doing anything under this Act falls on any day specified in rules under this Act as an excluded day, the rules may provide for the

Excluded days.

thing being done on the next following day not being an excluded day.

The (Amendment) Act of 1907, by sect. 51, sub-sect. 3, repealed sect. 98 of the Act of 1883, and by sect. 42 substituted the present for the repealed section.

The repealed section specified the excluded days and referred only to leaving any document or paying any fee at the Patent Office. The present section applies to doing anything under this Act, and leaves the excluded days to be specified by the rules, which have the same effect as if they were contained in the Act (see sect. 86, sub-sect. 2, Patents Rules, 1908, rr. 110-111, and Designs Rules, 1908, rr. 61, 65).

Declaration by
infant, lunatic,
&c.

83.—(1) If any person is, by reason of infancy, lunacy, or other disability, incapable of making any declaration or doing anything required or permitted by or under this Act, the guardian or committee (if any) of the person subject to the disability, or, if there be none, any person appointed by any Court possessing jurisdiction in respect of his property, may make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of the person subject to the disability.

(2) An appointment may be made by the Court for the purposes of this section upon the petition of any person acting on behalf of the person subject to the disability or of any other person interested in the making of the declaration or the doing of the thing.

This section embodies, in a different form of words, the provisions of sect. 99 of the Act of 1883, but makes no alteration in the law or practice.

Register of Patent Agents.

Register of
patent agents.

84.—(1) A person shall not be entitled to describe himself as a patent agent, whether by advertisement, by description on his place of business, by any document issued by him, or otherwise, unless he is registered as a patent agent in pursuance of this Act or an Act repealed by this Act.

(2) Every person who proves to the satisfaction of the Board of Trade that prior to the twenty-fourth day of December, one thousand eight hundred and eighty-eight, he had been *bonâ fide* practising as a patent agent shall be entitled to be registered as a patent agent in pursuance of this Act.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

(3) If any person knowingly describes himself as a patent agent in contravention of this section he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

(4) In this section "patent agent" means exclusively an agent for obtaining patents in the United Kingdom.

This section comprises sub-sects. 1, 3, 4, and 5 of sect. 1 of the Act of 1888. Sub-sect. 2 of sect. 1 of the Act of 1888 is comprised in sect. 86 of this Act.

85.—(1) Rules under this Act may authorise the comp- Agents for
patents. troller to refuse to recognise as agent in respect of any business under this Act any person whose name has been erased from the register of patent agents, or who is proved to the satisfaction of the Board of Trade, after being given an opportunity of being heard, to have been convicted of such an offence or to have been guilty of such misconduct as would have rendered him liable, if his name had been on the register of patent agents, to have his name erased therefrom, and may authorise the comptroller to refuse to recognise as agent in respect of any business under this Act any company which, if it had been an individual, the comptroller could refuse to recognise as such agent.

(2) Where a company or firm acts as agents, such rules as aforesaid may authorise the comptroller to refuse to recognise the company or firm as agent if any person whom the comptroller could refuse to recognise as an agent acts as director or manager of the company or is a partner in the firm.

(3) The comptroller shall refuse to recognise as agent in respect of any business under this Act any person who neither resides nor has a place of business in the United Kingdom or the Isle of Man.

This section is new. It was (Amendment) Act of 1907, sect. 48.

The Register of Patent Agents Rules of 1889, r. 16, with the Register of Patent Agents Rules of 1898, r. 1, empowered the Board of Trade to order the Registrar to erase from the Register of Patent Agents the names of persons convicted of crimes and persons found guilty of disgraceful conduct; and the Patent Rules of 1903, r. 81, empowered the comptroller to refuse to recognise as an agent any person whose name was so struck off the Register of

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Patent Agents. The present section extends the power of the comptroller to refuse to recognise any person who is found guilty of such crimes or disgraceful conduct as would have rendered him liable, if his name had been on the Register of Patent Agents, to have his name erased therefrom.

The rules made under this section are set out at pp. 123 and 209 *post*.

Powers, etc., of Board of Trade.

Power for
Board of Trade
to make
general rules.

86.—(1) The Board of Trade may make such general rules and do such things as they think expedient, subject to the provisions of this Act—

- (a) For regulating the practice of registration under this Act :
- (b) For classifying goods for the purposes of designs :
- (c) For making or requiring duplicates of specifications, drawings, and other documents :
- (d) For securing and regulating the publishing and selling of copies, at such prices and in such manner as the Board of Trade think fit, of specifications, drawings, and other documents :
- (e) For securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office ; and providing for the inspection of indexes and abridgments and other documents :
- (f) For regulating (with the approval of the Treasury) the presentation of copies of Patent Office publications to patentees and to public authorities, bodies, and institutions at home and abroad :
- (g) For regulating the keeping of the Register of Patent Agents under this Act :
- (h) Generally for regulating the business of the Patent Office, and all things by this Act placed under the direction or control of the comptroller or of the Board of Trade.

(2) General rules shall whilst in force be of the same effect as if they were contained in this Act.

(3) Any rules made in pursuance of this section shall be advertised twice in the official journal to be issued by the

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comptroller, and shall be laid before both Houses of Parliament as soon as practicable after they are made, and if either House of Parliament, within the next forty days after any rules have been so laid before that House, resolves that the rules or any of them ought to be annulled, the rules or those to which the resolution applies shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under the rules or to the making of any new rules.

This section comprises the provisions of sect. 101 of the Act of 1883, and sub-sect. 2 of sect. 1 of the Act of 1888.

87.—(1) All things required or authorised under this Act to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or an assistant secretary of the Board. Proceedings of the Board of Trade.

(2) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

(3) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified.

This section was sect. 25 of the Act of 1888.

88. An Order in Council under this Act shall, from a date to be mentioned for the purpose in the Order, take effect as if it had been contained in this Act; but may be revoked or varied by a subsequent Order. Provision as to Order in Council.

This section was sub-sect. 2 of sect. 104 of the Act of 1883.

Offences.

89.—(1) If any person makes or causes to be made a false entry in any register kept under this Act, or a writing falsely purporting to be a copy of an entry in any Offences.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

such register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanor.

(2) If any person falsely represents that any article sold by him is a patented article, or falsely describes any design applied to any article sold by him as registered he shall be liable for every offence, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding five pounds.

(3) If any person sells an article having stamped, engraved, or impressed thereon or otherwise applied thereto the word "patent," "patented," "registered," or any other word expressing or implying that the article is patented or that the design applied thereto is registered, he shall be deemed for the purposes of this section to represent that the article is a patented article or that the design applied thereto is a registered design.

(4) Any person who, after the copyright in a design has expired, puts or causes to be put on any article to which the design has been applied the word "registered," or any word or words implying that there is a subsisting copyright in the design, shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

(5) If any person uses on his place of business, or on any document issued by him, or otherwise, the words "Patent Office," or any other words suggesting that his place of business is officially connected with, or is, the Patent Office, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

Sub-sect. 1 was Act of 1883, sect. 93.

Sub-sects. 2 and 3 were Act of 1883, sect. 105. In the event of a person marking an article as registered or patented, *bond fide* believing that the registration or the patent included the article in question, whereas upon the true construction of the registration or claim in the patent it did not, no conviction could be obtained under sub-sects. 2 and 3. The effect of sect. 10 is to render it no offence to represent an article as "patented" when the complete specification has been accepted, though the patent has not been sealed (Vol. II., p. 12). It is probably no offence to represent an article as "patented" when the patent has expired, and the fair implication is that the article was made under an expired and not

under an existing patent (Vol. II., p. 12). The same would appear to be the case *pari passu* in the matter of a design when the period of registration has expired.

Sub-sects. 4 and 5 are new, and were (Amendment) Act of 1907, sub-sects. 43 and 47 respectively.

90.—(1) The grant of a patent under this Act shall not be deemed to authorise the patentee to use the Royal Arms or to place the Royal Arms on any patented article. Unauthorised
assumption of
Royal Arms.

(2) If any person, without the authority of His Majesty, uses in connection with any business, trade, calling, or profession the Royal Arms (or arms so nearly resembling them as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised to use the Royal Arms, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing such arms to continue to use such trade mark.

This section was by (Amendment) Act of 1907, sect. 44, substituted for sect. 106 of the Act of 1883.

Sub-sect. 1 is entirely new.

Sub-sect. 2 re-embodies the law contained in the repealed section of the Act of 1883, with the addition of the proviso, which is new. The repealed section seemed to imply that any of the Royal Family or any Government Department could authorise the use of the Royal Arms. There is no such implication in the present sub-sect. 2.

It is provided by sect. 68 of the Trade Marks Act, 1905 (5 Edw. 7, c. 15) as follows: "If any person without the authority of His Majesty uses in connection with any trade, business, calling or profession the Royal Arms (or arms so closely resembling the same as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised so to use the Royal Arms, or if any person without the authority of His Majesty, or of a member of the Royal Family, uses in connection with any trade, business, calling, or profession, any device, emblem, or title in such manner as to be calculated to lead to the belief that he is employed by or supplies goods to His Majesty, or such member of the Royal Family, he may, at the suit of any person who is authorised to use such arms or such device, emblem, or title, or is authorised by the Lord Chamberlain to take proceedings in that behalf, be restrained

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by injunction or interdict from continuing so to use the same: Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing any such arms, device, emblem, or title, to continue to use such trade mark."

International and Colonial Arrangements.

International
and Colonial
arrangements.

91.—(1) If His Majesty is pleased to make any arrangement with the government of any foreign state for mutual protection of inventions, or designs, or trade marks, then any person who has applied for protection for any invention, design, or trade mark in that state shall be entitled to a patent for his invention or to registration of his design or trade mark under this Act or the Trade Marks Act, 1905, in priority to other applicants; and the patent or registration shall have the same date as the date of the application in the foreign state.

Provided that—

- (a) The application is made, in the case of a patent within twelve months, and in the case of a design or trade mark within four months, from the application for protection in the foreign state; and
 - (b) Nothing in this section shall entitle the patentee or proprietor of the design or trade mark to recover damages for infringements happening prior to the actual date on which his complete specification is accepted, or his design or trade mark is registered, in this country.
- (2) The patent granted for the invention or the registration of a design or trade mark shall not be invalidated—
- (a) in the case of a patent, by reason only of the publication of a description of, or use of, the invention; or
 - (b) in the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design; or
 - (c) in the case of a trade mark, by reason only of the use of the trade mark,

in the United Kingdom or the Isle of Man during the period specified in this section as that within which the application may be made.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

(3) The application for the grant of a patent, or the registration of a design, or the registration of a trade mark under this section, must be made in the same manner as an ordinary application under this Act or the Trade Marks Act, 1905: Provided that—

- (a) In the case of patents the application shall be accompanied by a complete specification, which, if it is not accepted within the twelve months from the application for protection in the foreign state, shall with the drawings (if any) be open to public inspection at the expiration of that period; and
- (b) In the case of trade marks, any trade mark the registration of which has been duly applied for in the country of origin may be registered under the Trade Marks Act, 1905.

(4) The provisions of this section shall apply only in the case of those foreign states with respect to which His Majesty by Order in Council declares them to be applicable, and so long only in the case of each state as the Order in Council continues in force with respect to that state.

(5) Where it is made to appear to His Majesty that the legislature of any British possession has made satisfactory provision for the protection of inventions, designs, and trade marks, patented or registered in this country, it shall be lawful for His Majesty, by Order in Council, to apply the provisions of this section to that possession, with such variations or additions, if any, as may be stated in the Order.

Sub-sects. 1, 2, 3 and 4 comprise sect. 103 of the Act of 1883, as amended by sect. 6 of the Act of 1885, and sub-sects. 1 and 2 of the Act of 1901.

Sub-sect. 5 was sub-sect. 1 of sect. 104 of the Act of 1883.

The subject of applications under the International and Colonial arrangements, *i.e.* Convention applications, is treated in Vol. II., pp. 19-23.

Definitions.

92.—(1) In this Act, unless the context otherwise requires, Provisions as to “the Court.”
 “the Court” means, subject to the provisions as to Scotland, Ireland, and the Isle of Man, the High Court in England.

(2) Where by virtue of this Act a decision of the comptroller is subject to an appeal to the Court, or a petition may

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be referred or presented to the Court, the appeal shall, subject to and in accordance with rules of the Supreme Court, be made and the petition referred or presented to such judge of the High Court as the Lord Chancellor may select for the purpose, and the decision of that judge shall be final, except in the case of an appeal from a decision of the comptroller revoking a patent on any ground on which the grant of such patent might have been opposed.

Sub-sect. 1 is taken from Act of 1883, sect. 117.

Sub-sect. 2 is new, and was sect. 28 of the (Amendment) Act of 1907. See notes to sects. 18, 24, 25, 26 and 27.

Definitions.

93. In this Act, unless the context otherwise requires,—

“Law officer” means the Attorney-General or Solicitor-General for England :

“Prescribed” means prescribed by general rules under this Act :

“British possession” does not include the Isle of Man or the Channel Islands :

“Patent” means letters patent for an invention :

“Patentee” means the person for the time being entitled to the benefit of a patent :

“Invention” means any manner of new manufacture the subject of letters patent and grant of privilege within section six of the Statute of Monopolies (that is, the Act of the twenty-first year of the reign of King James the First, chapter three, intituled “An Act concerning monopolies and dispensations with penal laws and the forfeiture thereof”), and includes an alleged invention :

“Inventor” and “applicant” shall, subject to the provisions of this Act, include the legal representative of a deceased inventor or applicant :

“Design” means any design (not being a design for a sculpture or other thing within the protection of the Sculpture Copyright Act, 1814) applicable to any article, whether the design is applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering,

weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical, or chemical, separate or combined :

“Article” means (as respects designs) any article of manufacture and any substance, artificial or natural, or partly artificial and partly natural :

“Copyright” means the exclusive right to apply a design to any article in any class in which the design is registered :

“Proprietor of a new and original design,”—

(a) Where the author of the design, for good consideration, executes the work for some other person, means the person for whom the design is so executed ; and

(b) Where any person acquires the design or the right to apply the design to any article, either exclusively of any other person or otherwise, means, in the respect and to the extent in and to which the design or right has been so acquired, the person by whom the design or right is so acquired ; and

(c) In any other case, means the author of the design ;

and where the property in, or the right to apply, the design has devolved from the original proprietor upon any other person, includes that other person.

The definitions in this section are derived from sects. 46, 60, 61, and 117 of the Act of 1883. It will be noticed that the said sects. 60 and 61, which defined “Design,” “Article,” and “Proprietor,” are here reproduced in different phraseology.

Application to Scotland, Ireland, and the Isle of Man.

94. In the application of this Act to Scotland—

- (1) In any action for infringement of a patent in Scotland the provisions of this Act with respect to calling in the aid of an assessor shall apply, and the action shall be tried without a jury, unless the Court otherwise direct, but otherwise

Application to
Scotland.

The references in black type are to Frost's “Patent Law and Practice,” 3rd Edition, 1906.

nothing shall affect the jurisdiction and forms of process of the Courts in Scotland in such an action or in any action or proceeding respecting a patent hitherto competent to those Courts; and for the purposes of the provision so applied "Court of Appeal" shall mean any Court to which such action is appealed:

- (2) Any offence under this Act declared to be punishable on conviction under the Summary Jurisdiction Acts may be prosecuted in the Sheriff Court:
- (3) Proceedings for revocation of a patent shall be in the form of an action of reduction at the instance of the Lord Advocate, or at the instance of a party having interest with his concurrence, which concurrence may be given on just cause shown only, and service of all writs and summonses in that action shall be made according to the forms and practice existing at the commencement of this Act:
- (4) The provisions of this Act conferring a special jurisdiction on the Court as defined by this Act, shall not, except so far as the jurisdiction extends, affect the jurisdiction of any Court in Scotland in any proceedings relating to patents or to designs; and with reference to any such proceedings, the term "the Court" shall mean any Lord Ordinary of the Court of Session, and the term "Court of Appeal" shall mean either Division of that Court:
- (5) Notwithstanding anything in this Act, the expression "the Court" shall, as respects petitions for compulsory licences on revocation which are referred by the Board of Trade to the Court in Scotland, mean any Lord Ordinary of the Court of Session, and shall in reference to proceedings in Scotland for the extension of the time of a patent mean such Lord Ordinary:
- (6) The expression "Rules of the Supreme Court" shall, except in section ninety-two of this Act, mean act of sederunt:

- (7) If any rectification of a register under this Act is required in pursuance of any proceeding in a Court, a copy of the order, decree, or other authority for the rectification shall be served on the comptroller, and he shall rectify the register accordingly :

- (8) The expression "injunction" means "interdict."

Sub-sects. 1 to 4 and 7 come from sects. 107, 108, and 111 of the Act of 1883. Sub-sect. 8 comes from sect. 46 of the Act of 1883.

Sub-sects. 5 and 6 come from sect. 50 of the (Amendment) Act of 1907.

95. In the application of this Act to Ireland—

Application to
Ireland.

- (1) All parties shall, notwithstanding anything in this Act, have in Ireland their remedies under or in respect of a patent as if the same had been granted to extend to Ireland only :
- (2) The provisions of this Act conferring a special jurisdiction on the Court, as defined by this Act, shall not, except so far as the jurisdiction extends, affect the jurisdiction of any Court in Ireland in any proceedings relating to patents or to designs ; and with reference to any such proceedings, the term "the Court" means the High Court in Ireland :
- (3) If any rectification of a register under this Act is required in pursuance of any proceeding in a Court, a copy of the order, decree, or other authority for the rectification shall be served on the comptroller, and he shall rectify the register accordingly.

Sub-sect. 1 was Act of 1883, sect. 110.

Sub-sects. 2 and 3 come from sect. 111 of Act of 1883.

96. This Act shall extend to the Isle of Man, subject to the following modifications :—

- (1) Nothing in this Act shall affect the jurisdiction of the Courts in the Isle of Man in proceedings for infringement, or in any action or proceeding respecting a patent or design competent to those Courts :

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

- (2) The punishment for a misdemeanour under this Act in the Isle of Man shall be imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding one hundred pounds, at the discretion of the Court :
- (3) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered, at the instance of any person aggrieved, in the manner in which offenders punishable on summary conviction may for the time being be prosecuted.

This section was sect. 112 of the Act of 1883.

Repeal, Savings, and Short Title.

Saving for
prerogative.

97. Nothing in this Act shall take away, abridge, or prejudicially affect the prerogative of the Crown, in relation to the granting of any letters patent or to the withholding of a grant thereof.

This occurred as sect. 117 in the Act of 1883.

Repeal and
savings.

98.—(1) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule—

- (a) As respects the enactments mentioned in Part I. of that Schedule, as from the commencement of this Act ;
- (b) As respects the enactments mentioned in Part II. of that schedule, as from the date when rules of the Supreme Court regulating the matters dealt with in those enactments come into operation ;
- (c) As respects the enactments mentioned in Part III. of that Schedule, as from the date when rules under this Act, regulating the matters dealt with in those enactments come into operation ;

and the enactments mentioned in Part II. and Part III. of that Schedule shall, until so repealed, have effect as if they formed part of this Act :

Provided that this appeal shall not affect any convention, Order in Council, rule, or table of fees having effect under

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

any enactment so repealed, but any such convention, Order in Council, rule, or table of fees in force at the commencement of this Act shall continue in force, and may be repealed, altered or amended, as if it had been made under this Act.

(2) Except where otherwise expressly provided, this Act shall extend to all patents granted and all designs registered before the commencement of this Act, and to applications then pending, in substitution for such enactments as would have applied thereto if this Act had not been passed.

The enactments referred to in sub-sect. 1 (b) are sect. 26, sub-sects. 5, 6, and 7, and sect. 29 of the Act of 1883, which relate to particulars in petitions for revocation and actions for infringement of patents (see Vol. I., pp. 301, 302; 395-401; 412-426; 518-524). Probably rules of the Supreme Court will reproduce most of the provisions of the above-mentioned sub-sections and sections, but will allow the Court greater latitude in the matter of costs of particulars not gone into at the hearing.

99. This Act may be cited as the Patents and Designs Act, 1907, and shall, save as otherwise expressly provided, come into operation on the first day of January, one thousand nine hundred and eight.

Short title and
commence-
ment.

SCHEDULES.

FIRST SCHEDULE.

FEES ON INSTRUMENTS FOR OBTAINING PATENTS AND RENEWAL.

(a) *Up to sealing.*

	£	s.	d.	£	s.	d.
On application for provisional protection	1	0	0			
On filing complete specification	3	0	0			
	<hr/>			4	0	0

or,

On filing complete specification with first application	4	0	0
On the sealing of the patent in respect of investigations as to anticipation	1	0	0

(b) *Further before end of four years from date of patent.*

On certificate of renewal	50	0	0
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(c) *Further before end of eight years from date of patent.*

On certificate of renewal	100	0	0
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The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

100 THE PATENTS AND DESIGNS ACT, 1907.

Or in lieu of the fees of £50 and £100 the following annual fees :—

Before the expiration of the fourth year from the date of the patent	10	0	0
“ “ “ fifth “ “ “	10	0	0
“ “ “ sixth “ “ “	10	0	0
“ “ “ seventh “ “ “	10	0	0
“ “ “ eighth “ “ “	15	0	0
“ “ “ ninth “ “ “	15	0	0
“ “ “ tenth “ “ “	20	0	0
“ “ “ eleventh “ “ “	20	0	0
“ “ “ twelfth “ “ “	20	0	0
“ “ “ thirteenth “ “ “	20	0	0

SECOND SCHEDULE.

ENACTMENTS REPEALED.

PART I.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	The whole Act, except sub-sections (5), (6), and (7) of section twenty-six, section twenty-nine, sub-sections (2) and (3) of section forty-seven, and section forty-eight.
48 & 49 Vict. c. 63.	The Patents, Designs, and Trade Marks (Amendment) Act, 1885.	The whole Act.
49 & 50 Vict. c. 37.	The Patents Act, 1886.	The whole Act.
51 & 52 Vict. c. 50.	The Patents, Designs, and Trade Marks Act, 1888.	The whole Act.
1 Edw. 7, c. 18.	The Patents Act, 1901.	The whole Act.
2 Edw. 7, c. 34.	The Patents Act, 1902.	The whole Act.
7 Edw. 7, c. 28.	The Patents and Designs (Amendment) Act, 1907.	The whole Act.

PART II.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	Sub-sections (5), (6), and (7) of section twenty-six, and section twenty-nine.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

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PART III.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	Sub-sections (2) and (3) of section forty-seven and section forty-eight.

The references in black type are to Frost's "Patent Law and Practice," 3rd Edition, 1906.

APPENDIX.

PATENTS AND DESIGNS (AMENDMENT) ACT, 1907.

[7 EDW. 7 C. 28.]

An Act to amend the Law relating to Patents and Designs.

[28th August, 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

PATENTS.

1. Where, after the commencement of this Act, a patent is granted to two or more persons jointly, they shall, unless otherwise specified in the patent, be treated for the purpose of the devolution of the legal interest therein as joint tenants, but, subject to any contract to the contrary, each of such persons shall be entitled to use the invention for his own profit without accounting to the others, but shall not be entitled to grant a licence without their consent, and, if any such person dies, his beneficial interest in the patent shall devolve on his personal representatives as part of his personal estate.

2. Sub-sections (3) and (4) of section five of the Patents, Designs, and Trade Marks Act, 1883 (which Act, as amended by any subsequent enactment, is hereinafter referred to as the principal Act), shall be repealed and in lieu thereof shall be substituted the following :—

“(3) A provisional specification must describe the nature of the invention ;

“(4) A complete specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed ;

“(4A) In the case of any provisional or complete specification where the comptroller deems it desirable he may require that suitable drawings shall be supplied with the specification, or at any time before the acceptance of the same, and such drawings shall be deemed to form part of the said specification.”

3. The following paragraph shall be inserted in section five of the principal Act:—

Deposit of samples in the case of chemical inventions (see p. 12, *ante*).

“(6) Where the invention in respect of which an application is made is a chemical invention, such typical samples and specimens as may be prescribed shall, if in any particular case the comptroller considers it desirable so to require, be furnished before the acceptance of the complete specification.”

Supplementary provisional specifications (see p. 27, *ante*).

4. Where the same applicant has put in two or more provisional specifications for inventions which are cognate or modifications one of the other, and has obtained thereby concurrent provisional protection for the same, and the comptroller is of opinion that the whole of such inventions are such as to constitute a single invention and may properly be included in one patent, he may accept one complete specification in respect of the whole of such applications and grant a single patent thereon. Such patent shall bear the date of the earliest of such applications, but, in considering the validity of the same and for the purposes of section eleven of the principal Act, as modified by this Act, the Court or the comptroller, as the case may be, shall have regard to the respective dates of the provisional specifications relating to the several matters claimed therein.

Patents of addition (see p. 32, *ante*).

5.—(1) Where a patent for an invention has been applied for or granted, and the applicant or the patentee, as the case may be, applies for a further patent in respect of any improvement on or modification of the invention, he may, if he thinks fit, in his application for the further patent, request that the term limited in that patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired.

(2) Where an application containing such a request is made, a patent (hereinafter referred to as a patent of addition) may be granted for such term as aforesaid.

(3) A patent of addition shall remain in force so long as the patent for the original invention remains in force, but no longer, and in respect of a patent of addition no fees shall be payable for renewal.

(4) The grant of a patent of addition shall be conclusive evidence that the invention is a proper subject for a patent of addition, and the validity of the patent shall not be questioned on the ground that the invention ought to have been the subject of an independent patent.

Extension of 2 Edw. 7.

6.—(1) An investigation under section one of the Patents

PATENTS AND DESIGNS (AMENDMENT) ACT, 1907. 105

Act, 1902, shall extend to specifications published after the date of the application in respect of which the investigation is made, and being specifications which have been deposited pursuant to prior applications; and that section shall, subject to rules under the principal Act, have effect accordingly.

c. 34, s. 1 to specifications published subsequently to application (see p. 18, ante).

(2) Where, on such an extended investigation, it appears that the invention claimed in the specification deposited pursuant to an application is wholly or in part claimed in any published specification deposited pursuant to a prior application, the applicant shall, whether or not his specification has been accepted or a patent granted to him, be afforded such facilities as may be prescribed for amending his specification, and in the event of his failing to do so the comptroller shall, in accordance with such procedure as may be prescribed, determine what reference, if any, to other specifications ought to be made in his specification by way of notice to the public.

(3) For the purposes of this section an application shall be deemed to be prior to another application if the patent applied for when granted would be of prior date to the patent granted pursuant to that other application.

(4) This section shall come into operation at such date as the Board of Trade may by order direct, and shall apply only to applications made after that date, and the order shall be laid before both Houses of Parliament.

7. The following proviso shall be added to sub-section (6) of section one of the Patents Act, 1902:—

Amendment of 2 Edw. 7. c. 34, s. 1 (6) (see p. 17, ante).

“Provided that the comptroller, if satisfied that the invention claimed has been wholly and specifically claimed in any specification to which the investigation has extended, may, in lieu of requiring references to be made in the applicant's specification as aforesaid, refuse to grant a patent.”

8. The following sub-section shall be added after sub-section (3) of section nine of the principal Act, which relates to the comparison of provisional with complete specifications:—

Power to postdate application in cases of dis-conformity (see p. 15, ante).

“(3A) If the examiner reports that the invention described in the complete specification is not substantially the same as that which is described in the provisional specification, the comptroller may, with the consent of the applicant, instead of refusing to accept the complete specification, cancel the provisional specification and treat the application as having been made on the date at which the complete specification was left, and the application shall have effect as if made on that date:

“Provided that where the complete specification includes an invention not included in the provisional specification, the comptroller may allow the original application to proceed so far as the invention included both in the provisional and in the complete

specification is concerned, and treat the claim for the additional invention included in the complete specification as an application for that invention made on the date at which the complete specification was left."

Disconformity
(see p. 66,
ante).

9. A patent shall not be held invalid on the ground that the complete specification claims a further or different invention to that contained in the provisional, if the invention therein claimed, so far as it is not contained in the provisional, was novel at the date when the complete specification was put in, and the applicant was the first and true inventor thereof.

Grounds of
opposition (see
p. 21, *ante*).

10. In sub-section (1) of section eleven of the principal Act (which relates to the grounds on which the grant of a patent may be opposed), for the words "on the ground that the invention has been patented in this country on an application of prior date" there shall be substituted the words "on the ground that the invention has been claimed in any complete specification for a British patent which is or will be of prior date to the patent the grant of which is opposed, other than a specification deposited pursuant to an application made more than fifty years before the date of the application for such last-mentioned patent, or on the ground that the nature of the invention or the manner in which it is to be performed is not sufficiently or fairly described and ascertained in the complete specification."

Extension of
period for
sealing patents
in certain cases
(see p. 24,
ante).

11.—(1) Where, in consequence of the neglect or failure of the applicant to pay any fee, a patent cannot be sealed within the period allowed by section twelve of the principal Act, that period may, on payment of the prescribed fee and on compliance with the prescribed conditions, be extended to such an extent as may be prescribed.

Applications
for extension
of time for
payment of
fees, &c. (see
p. 25, *ante*).

(2) In such cases as may be prescribed and subject to the prescribed conditions, this section shall apply where the period allowed for the sealing of the patent has expired before the commencement of this Act.

48 & 49 Vict.
c. 63 (see pp.
14, 16, 29,
ante).

12. Where an application is made for an extension of time under section seventeen of the principal Act, it shall not be necessary for the patentee to allege or prove the cause of his failure to pay the prescribed fee within the prescribed time, and where under that section or under section three of the Patents, Designs, and Trade Marks (Amendment) Act, 1885, an application is made for an extension of time, the comptroller shall, on payment of the prescribed fee, grant an extension of time to the full amount applied for, not exceeding the amount which he is entitled to grant under those sections.

13. The following section shall be substituted for section nineteen of the principal Act :—

Amendment
of specification

"In any action for infringement of a patent or proceedings before the Court for the revocation of a patent, the Court

may by order allow the patentee to amend his specification by way of disclaimer in such manner and subject to such terms as to costs, advertisement, or otherwise, as the Court may think fit: by disclaimers (see p. 38, ante).

“Provided that no amendment shall be so allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before the amendment, and where an application for such an order is made to the Court, notice of the application shall be given to the comptroller, and the comptroller shall have the right to appear and be heard, and shall appear if so directed by the Court.”

14.—(1) Any person who would have been entitled to oppose the grant of a patent, or is the successor in interest of a person who was so entitled, may, within two years from the date of a patent, in the prescribed manner apply to the comptroller for an order revoking the patent on any one or more of the grounds on which the grant of the patent might have been opposed: Power of comptroller to revoke patents on certain grounds (see p. 45, ante).

Provided that when an action for infringement or proceedings for the revocation of the patent are pending in any Court, an application under this section shall not be made except with the leave of the Court.

(2) The comptroller shall give notice of the application to the patentee, and after hearing the parties, if desirous of being heard, may make an order revoking the patent or requiring the specification relating thereto to be amended by disclaimer, correction, or explanation, or dismissing the application; but the comptroller shall not make an order revoking the patent unless the circumstances are such as would have justified him in refusing to grant the patent had the proceedings been proceedings in an opposition to the grant of a patent.

(3) A patentee may at any time, by giving notice in the prescribed manner to the comptroller, offer to surrender his patent, and the comptroller may, if after giving notice of the offer and hearing all parties who desire to be heard he thinks fit, accept the offer, and thereupon make an order for the revocation of the patent.

(4) Any decision of the comptroller under this section shall be subject to appeal to the Court.

15.—(1) At any time not less than four years after the date of a patent, and not less than one year after the passing of this Act, any person may apply to the comptroller for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the United Kingdom. Revocation of patents worked outside the United Kingdom (see p. 47, ante).

(2) The comptroller shall consider the application, and, if

after inquiry he is satisfied that the allegations contained therein are correct, then, subject to the provisions of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in the United Kingdom, or gives satisfactory reasons why the article or process is not so manufactured or carried on, the comptroller may make an order revoking the patent either—

- (a) forthwith; or
- (b) after such reasonable interval as may be specified in the order, unless in the meantime it is shown to his satisfaction that the patented article or process is manufactured or carried on within the United Kingdom to an adequate extent:

Provided that no such order shall be made which is at variance with any treaty, convention, arrangement, or engagement with any foreign country or British possession.

(3) If within the time limited in the order the patented article or process is not manufactured or carried on within the United Kingdom to an adequate extent, but the patentee gives satisfactory reasons why it is not so manufactured or carried on, the comptroller may extend the period mentioned in the previous order for such period not exceeding twelve months as may be specified in the subsequent order.

(4) Any decision of the comptroller under this section shall be subject to appeal to the Court, and on any such appeal the law officer, or such other counsel as he may appoint, shall be entitled to appear and be heard.

16.—(1) Petitions for the grant of a compulsory licence or for the revocation of a patent under section three of the Patents Act 1902, shall be referred by the Board of Trade to the Court instead of to the Judicial Committee of the Privy Council, and accordingly in that section for references to the Judicial Committee there shall be substituted references to the Court, and for references to Orders in Council there shall be substituted references to orders of the Court, and sub-sections (8), (9), and (10) of that section shall be repealed.

(2) In lieu of sub-sections (5) and (6) of the same section the following sub-section shall be substituted:—

“(5) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied—

“(a) if by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article or any parts thereof which are necessary for its efficient working or to carry on the patented process to an adequate extent or to grant licences on reasonable terms,

Compulsory
licences (see
p. 41, *ante*).

any existing trade or industry, or the establishment of any new trade or industry, in the United Kingdom is unfairly prejudiced, or the demand for the patented article, or the article produced by the patented process is not reasonably met; or

“(b) if any trade or industry in the United Kingdom is unfairly prejudiced by the conditions attached by the patentee before or after the passing of this Act to the purchase, hire, or use of the patented article or to the using or working the patented process.”

17. The following section shall be substituted for section twenty-five of the principal Act:—

“(1) A patentee may, after advertising in manner provided by rules of the Supreme Court his intention to do so, present a petition to the Court praying that his patent may be extended for a further term, but such petition must be presented at least six months before the time limited for the expiration of the patent; Procedure on petitions for extension of term of patent (see p. 30, ante).

“(2) Any person may give notice to the Court of objection to the extension;

“(3) On the hearing of any petition under this section, the patentee and any person who has given such notice of objection shall be made parties to the proceeding, and the comptroller shall be entitled to appear and be heard, and shall appear if so directed by the Court;

“(4) The Court, in considering its decision, shall have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case;

“(5) If it appears to the Court that the patentee has been inadequately remunerated by his patent, the Court may by order extend the term of the patent for a further term not exceeding seven, or, in exceptional cases, fourteen years, or may order the grant of a new patent for such term as may be specified in the order and containing any restriction, conditions, and provisions the Court may think fit.”

18. A patent granted under sub-section (8) of section twenty-six of the principal Act to an inventor in lieu of a patent revoked on the ground of fraud shall bear the same date as the revoked patent, and accordingly in that sub-section the words “the date of revocation of,” and the words “but the patent so granted shall cease on the expiration of the term for which the revoked patent was granted,” shall be repealed:

Provided that no action shall be brought for any infringement

Date of patent substituted for patent obtained by fraud (see p. 26, ante).

of the patent so granted committed before the actual date when such patent was granted.

Repeal of provisions as to procedure (see p. 98, *ante*).

19. Rules of the Supreme Court may be made for regulating the matters dealt with in sub-sections (5), (6), and (7) of section twenty-six and in section twenty-nine of the principal Act, which relate to the particulars to be delivered and the procedure to be adopted in proceedings upon petition for the revocation of a patent and in an action for infringement, and on the coming into operation of any rules of Court made for that purpose the said enactments shall be repealed.

Time for applications by representatives of deceased inventors (see p. 67, *ante*).

20. In section thirty-four of the principal Act (which relates to the grant of a patent on the application of representatives of a deceased inventor) the words "must be made within six months of the decease of such person and" are hereby repealed.

Secret patents (see p. 51, *ante*).

21.—(1) Section forty-four of the principal Act (which relates to secret patents) shall apply to the Admiralty in like manner as it applies to the Secretary of State for War.

(2) Rules may be made under the principal Act, after consultation with the Secretary of State and the Admiralty, for the purpose of ensuring secrecy with respect to patents to which the said section as so extended applies, and those rules may modify any of the provisions of the principal Act in their application to such patents as aforesaid so far as may appear necessary for the purpose aforesaid.

Anticipation (see p. 65, *ante*).

22. A patent shall not be held to be invalid by reason only of the invention in respect of which the patent was granted, or any part thereof having been published prior to the date of the patent, if the patentee proves to the satisfaction of the Court that the publication was made without his knowledge and consent, and that the matter published was derived or obtained from him, and if he learnt of the publication before the date of his application for the patent that he applied for and obtained protection for his invention with all reasonable diligence after learning of the publication.

Restoration of lapsed patents (see p. 33, *ante*).

23. When any patent has become void owing to the failure of the patentee to pay any prescribed fee within the prescribed time, the patentee may apply to the comptroller in the prescribed manner for an order for the restoration of the patent. Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the said prescribed fee. If it appears from such statement that the omission was unintentional and that no undue delay has occurred in making the application, the comptroller shall advertise the application in the prescribed manner, and within such time as may be prescribed any person may give notice of opposition at the Patent Office. Where such notice is given, the comptroller shall notify the applicant thereof. After the expiration of the prescribed period the comptroller shall hear the case and, subject to an appeal to

the Court, issue an order either restoring the patent or dismissing the application: Provided that in every order under this section restoring a patent, such provisions as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent had been announced as void in the illustrated official journal.

24.—(1) It shall not be lawful in any contract made after the passing of this Act in relation to the sale or lease of, or licence to use or work any article or process protected by a patent to insert a condition the effect of which will be—

Avoidance of certain conditions attached to the sale, &c., of patented articles (see p. 60, ante).

(a) to prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles, whether patented or not, or any patented process, supplied or owned by any person other than the seller, lessor, or licensor, or his nominees; or

(b) to require the purchaser, lessee, or licensee to acquire from the seller, lessor, or licensor, or his nominees, any article or class of articles not protected by the patent;

and any such condition shall be null and void, as being in restraint of trade and contrary to public policy: Provided that this subsection shall not apply if—

(i) the seller, lessor, or licensor proves that at the time the contract was entered into, the purchaser, lessee, or licensee had the option of purchasing the article or obtaining a lease or licence on reasonable terms, without such conditions as aforesaid; and

(ii) the contract entitles the purchaser, lessee, or licensee to relieve himself of his liability to observe any such condition on giving the other party three months' notice in writing and on payment in compensation for such relief in the case of a purchase, of such sum, or in the case of a lease or licence of such rent or royalty for the residue of the term of the contract, as may be fixed by an arbitrator appointed by the Board of Trade.

(2) Any contract relating to the lease of or licence to use or work any patented article or patented process, whether made before or after the passing of this Act, may at any time after the patent or all the patents by which the article or process was protected at the time of the making of the contract, has or have ceased to be in force, and notwithstanding anything in the same or in any other contract to the contrary, be determined by either party on giving three months' notice in writing to the other party; but where any such notice is given determining any contract made before the passing of this Act, the party giving the notice shall be liable to pay such compensation as, failing agreement, may be awarded by an arbitrator appointed by the Board of Trade.

(3) Any contract made before the passing of this Act relating to the lease of or licence to use or work any patented article or process and containing any condition which, had the contract been made after the passing of this Act, would by virtue of this section have been null and void, may, at any time before the contract is determinable under the last preceding sub-section, and, notwithstanding anything in the same or any other contract to the contrary, be determined by either party on giving three months' notice in writing to the other party, but, where any such notice is given, the party giving the notice shall be liable to pay such compensation as, failing agreement, may be awarded by an arbitrator appointed by the Board of Trade.

(4) The insertion by the patentee in a contract made after the passing of this Act of any condition which, by virtue of this section, is null and void, shall be available as a defence to an action for infringement of the patent to which the contract relates brought while that contract is in force.

(5) Nothing in this section shall—

- (a) affect any condition in a contract whereby a person is prohibited from selling any goods other than those of a particular person; or
- (b) be construed as validating any contract which would, apart from this section, be invalid; or
- (c) affect any right of determining a contract or condition in a contract exercisable independently of this section; or
- (d) affect any condition in a contract for the lease of or licence to use a patented article, whereby the lessor or licensor reserves to himself or his nominees the right to supply such new parts of the patented article as may be required to put or keep it in repair.

Defences to actions for infringement, &c. (see p. 48, *ante*).

25. Any ground on which a patent may be revoked under this Act or as an alternative to the grant of a compulsory licence under section three of the Patents Act, 1902, as amended by this Act, shall be available by way of a defence to an action for infringement, and shall also be a ground of revocation under section twenty-six of the principal Act.

Power to counterclaim for revocation in an action for infringement (see p. 54, *ante*).

26. A defendant in an action for infringement of a patent, if entitled to present a petition to the Court for the revocation of the patent, may, without presenting such a petition, apply in accordance with the rules of the Supreme Court by way of counter-claim in the action for the revocation of the patent.

Exemption of innocent infringer from liability for damages (see p. 55, *ante*).

27. A patentee shall not be entitled to recover any damages in respect of any infringement of a patent granted after the commencement of this Act from any defendant who proves that at the date of such infringement he was not aware, nor had reasonable means of making himself aware, of the existence of the patent, and the marking of an article with the word "patent,"

“patented,” or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article, shall not be deemed to constitute notice of the existence of the patent unless the word or words are accompanied by the year and number of the patent:

Provided that nothing in this section shall affect any proceedings for an injunction.

28. Where by virtue of this Act a decision of the comptroller is subject to an appeal to the Court, or a petition may be referred or presented to the Court, the appeal shall, subject to and in accordance with rules of the Supreme Court, be made and the petition referred or presented to such judge of the High Court as the Lord Chancellor may select for the purpose, and the decision of that judge shall be final except in the case of an appeal from a decision of the comptroller revoking a patent on any ground on which the grant of such patent might have been opposed.

Provisions as to appeals and references to the Court (see p. 93, *ante*).

PART II.

DESIGNS.

29. The following sub-sections shall be inserted at the end of section forty-seven of the principal Act (which relates to applications for the registration of designs):—

Application for the registration of designs (see pp. 70, 80, *ante*).

“(8) An application which owing to any default or neglect on the part of the applicant has not been completed so as to enable registration to be effected within the prescribed time shall be deemed to be abandoned.

“(9) Where an application has been abandoned or refused the application and any drawings, photographs, tracings, representations, or specimens left in connexion with the application shall not at any time be open to public inspection or be published by the comptroller.

“(10) A design when registered shall be registered as of the date of the application for registration.”

30. Rules may be made under the principal Act for regulating the matters dealt with in sub-sections two and three of section forty-seven and in section forty-eight of the principal Act which relate to the form and manner in which applications for the registration of designs are to be made, and on the coming into operation of any such rules the said enactments shall be repealed.

Rules as to applications for registration of designs (see p. 98, *ante*).

31.—(1) At the end of sub-section (1) of section fifty of the principal Act (which relates to the term of copyright in a registered design) the following paragraph shall be added:—

Copyright in designs (see pp. 72, 74, *ante*).

"If within the prescribed time before the expiration of the said five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller shall, on payment of the prescribed fee, extend the period of copyright for a second period of five years from the expiration of the original period of five years. If within the prescribed time before the expiration of such second period of five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller may, subject to any rules under the principal Act, on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years."

(2) The disclosure of a design by the proprietor to any other person, in such circumstances as would make it contrary to good faith for that other person to use or publish the design, and the disclosure of a design in breach of good faith by any person other than the proprietor of the design, and the acceptance of a first and confidential order for goods bearing a new or original textile design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof if registration thereof is obtained subsequently to the disclosure or acceptance.

Marking of
registered
designs (see
p. 73, *ante*).

32.—(1) So much of section fifty-one of the principal Act as provides that the copyright in a registered design shall cease if the proprietor fails to comply with the requirements of that section with respect to the marking of articles to which the design has been applied is hereby repealed; but, in the event of any failure to comply with any such requirements, the proprietor of the design shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design, unless he shows that he took all proper steps to ensure the marking of the articles, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of copyright in the design.

(2) Where a representation is made to the Board of Trade by or on behalf of any trade or industry that in the interests of the trade or industry it is expedient to dispense with or modify as regards any class or description of articles any of the requirements of the said section fifty-one as to marking, the Board may, if they think fit, by rule under the principal Act dispense with or modify such requirements as regards any such class or description of articles to such extent and subject to such conditions as they think fit.

Registration

33. Where a design has been registered in one or more classes

of goods the application of the proprietor of the design to register of designs (see it in some one or more other classes shall not be refused nor p. 71, *ante*). shall the registration thereof be invalidated.

- (a) on the ground of the design not being a new and original design by reason only that it was so previously registered; or
- (b) on the ground of the design having been previously published in the United Kingdom by reason only that it has been applied to goods of any class in which it was so previously registered.

34.—(1) In section fifty-two of the principal Act (which prohibits the inspection of a design during the existence of the copyright in the design) after the words “during the existence of copyright in a design” there shall be inserted the words “or such shorter period, not being less than two years from the registration of a design as may be prescribed,” and for the words “when the copyright in a design has ceased” there shall be substituted the words “after the expiration of the copyright in the design or such shorter period as aforesaid.”

Inspection of registered designs (see p. 75, *ante*).

(2) At the end of the same section the following sub-section shall be added:—

“(3) Different periods may be prescribed under this section for different classes of goods.”

35. At any time after the registration of a design any person may apply to the comptroller for the cancellation of the registration on the ground that the design is used for manufacture exclusively or mainly outside the United Kingdom, and where such an application is made the provisions of this Act with respect to the revocation of patents worked outside the United Kingdom including those relating to costs shall apply with the necessary modifications, except that there shall be no appeal from the decision of the comptroller. Such ground as aforesaid shall be available by way of a defence to an action for infringement of the copyright in the design.

Cancellation of registration of designs used wholly or mainly abroad (see p. 75, *ante*).

36.—(1) In section fifty-eight of the principal Act (which imposes penalties on the piracy of registered designs), at the end of paragraph (a) there shall be inserted the words “or to do anything with a view to enabling the design to be so applied.”

Penalty and damages in respect of piracy of registered design (see p. 77, *ante*).

(2) In the same section, after the words “publish or expose,” there shall be inserted the words “or cause to be published or exposed.”

(3) The following shall be substituted for section fifty-nine of the principal Act (which relates to actions for damages for infringement of registered designs):—

“Notwithstanding the remedy given by this Act for the recovery of such penalty as aforesaid, the registered proprietor of any design may, if he elects to do so, bring an action for

the recovery of any damages arising from any acts to which a penalty is attached by this Act, and for an injunction against the repetition thereof."

Application of sections 31 and 32 of principal Act to designs (see p. 78, *ante*).

37. Section thirty-one of the principal Act (which relates to the certificates of validity of a patent), and section thirty-two of the same Act (which relates to the remedy in case of groundless threats of legal proceedings) shall apply in the case of registered designs in like manner as they apply in the case of patents, with the substitution of references to the copyright in a design for references to a patent, and of references to the proprietor of a design for references to the patentee, and of references to the design for references to the invention.

PART III.

GENERAL.

Rules as to branch offices (see p. 78, *ante*).

38. Rules under the principal Act may provide for the establishment of branch offices for designs at Manchester or elsewhere, and for any document or thing required by the principal Act to be sent to or done at the Patent Office being sent to or done at any branch office which may be established.

Entries in registers (see p. 82, *ante*).

39. In section eighty-seven of the principal Act (which relates to entries in registers of patents and designs) the following paragraph shall be inserted after the words "as the case may be," where they first occur:—

"When any person becomes entitled as mortgagee, licensee, or otherwise to any interest in a patent or design, the comptroller shall, on request and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of patents or designs as the case may be."

Rectification of registers by Court (see p. 82, *ante*).

40. The following section shall be substituted for section ninety of the principal Act (which relates to the rectification of registers of patents and designs by the Court):—

"(1) The Court may, on the application in the prescribed manner of any person aggrieved by the non-insertion in, or omission from, the register of patents or designs of any entry, or by any entry made in either such register without sufficient cause, or by any entry wrongly remaining on either such register, or by an error or defect in any entry in either such register, make such order for making, expunging, or varying such entry as it may think fit.

"(2) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connexion with the rectification of a register."

PATENTS AND DESIGNS (AMENDMENT) ACT, 1907. 117

“(3) The prescribed notice of any application under this section shall be given to the comptroller, who shall have the right to appear and be heard thereon, and shall appear if so directed by the Court.

“(4) Any order of the Court rectifying a register shall direct that notice of the rectification be served upon the comptroller in the prescribed manner, who shall upon the receipt of such notice rectify the register accordingly.

41. The following section shall be substituted for section ninety-one of the principal Act, which relates to the correction of clerical errors:—

Correction of clerical errors (see p. 81, ante).

“The comptroller may, on request in writing accompanied by the prescribed fee—

“(a) correct any clerical error in or in connexion with an application for a patent or in any patent or any specification;

“(b) cancel the registration of a design either wholly or in respect of any particular goods in connexion with which the design is registered;

“(c) correct any clerical error in the representation of a design or in the name or address of the proprietor of any patent or design, or in any other matter which is entered upon the register of patents or the register of designs.”

42. Where the last day fixed by the principal Act for doing anything under that Act falls on any day specified in rules under that Act as an excluded day, the rules may provide for the thing being done on the next following day not being an excluded day, and section ninety-eight of the principal Act is hereby repealed.

Excluded days (see p. 85, ante).

43. The following sub-section shall be added to section one hundred and five of the principal Act (which imposes penalties for false representations):—

“(3) Any person who, after the copyright in a design has expired, puts or causes to be put on any article to which the design has been applied the word ‘registered,’ or any word or words implying that there is a subsisting copyright in the design, shall be liable on summary conviction to a fine not exceeding five pounds.”

Penalties for false representations (see p. 90, ante).

44. The following section shall be substituted for section one hundred and six of the principal Act:—

“(1) The grant of a patent under this Act shall not be deemed to authorise the patentee to use the Royal Arms or to place the Royal Arms on any patented article.

Royal Arms (see p. 91, ante).

“(2) If any person, without the authority of His Majesty, uses in connexion with any business, trade, calling or profession the Royal Arms (or arms so nearly resembling them as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised to use the Royal Arms, he shall be liable on summary conviction to a fine not exceeding twenty pounds: Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing such arms to continue to use such trade mark.”

Evidence before
comptroller
(see p. 84,
ante).

45.—(1) Subject to rules under the principal Act in any proceeding under the principal Act or this Act before the comptroller the evidence shall be given by statutory declaration in the absence of directions to the contrary; but in any case in which the comptroller thinks it right so to do, he may take evidence *vivâ voce* in lieu of or in addition to evidence by declaration, or allow any declarant to be cross-examined on his declaration. Any such statutory declaration may in the case of appeal be used before the Court in lieu of evidence by affidavit, but, if so used, shall have all the incidents and consequences of evidence by affidavit.

(2) In case any part of the evidence is taken *vivâ voce*, the comptroller shall, in respect of requiring the attendance of witnesses and taking evidence on oath, be in the same position in all respects as an official referee of the Supreme Court.

Costs and
security for
costs (see
p. 64, *ante*).

46.—(1) The comptroller shall, in proceedings relating to an opposition to the grant of a patent or to an application for the amendment of a specification or the revocation of a patent, have power, by order, to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid, and any such order may be made a rule of the Court.

(2) If a party giving notice of opposition to the grant of a patent or to the amendment of a specification, or applying to the comptroller for the revocation of a patent, or giving notice of appeal from any decision of the comptroller, neither resides nor carries on business in the United Kingdom or the Isle of Man, the comptroller or, in case of appeal to the law officer, the law officer, may require such party to give security for costs of the proceedings or appeal, and in default of such security being given may treat the proceedings or appeal as abandoned.

Misuse of title
of “Patent
Office” (see
p. 90, *ante*).

47. If any person uses on his place of business, or on any document issued by him, or otherwise, the words “Patent Office,” or any other words suggesting that his place of business is officially connected with, or is, the Patent Office, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

Agents for

48.—(1) Rules under the principal Act may authorise the

comptroller to refuse to recognise as agent in respect of any business under that Act any person whose name has been erased from the register of patent agents, or who is proved to the satisfaction of the Board of Trade, after being given an opportunity of being heard, to have been convicted of such an offence or to have been guilty of such misconduct as would have rendered him liable, if his name had been on the register of patent agents, to have his name erased therefrom, and may authorise the comptroller to refuse to recognise as agent in respect of any business under the principal Act any company which, if it had been an individual, the comptroller could refuse to recognise as such agent.

(2) Where a company or firm acts as agent, such rules as aforesaid may authorise the comptroller to refuse to recognise the company or firm as agent if any person whom the comptroller could refuse to recognise as an agent acts as director or manager of the company or is a partner in the firm.

(3) The comptroller shall refuse to recognise as agent in respect of any business under the principal Act any person who neither resides nor has a place of business in the United Kingdom or the Isle of Man.

49. Except where otherwise expressly provided this Act shall apply to patents granted, designs registered, and to applications made as well before as after the commencement of this Act.

Construction (see p. 99, ante).

50. The expression "Rules of the Supreme Court" shall in this Act, except in section twenty-eight, as applying to Scotland mean Act of Sederunt; and notwithstanding anything contained in the Patents, Designs, and Trade Marks Acts, 1883 to 1902, or in this Act. The expression "Court" in section sixteen of this Act shall, in reference to petitions which are referred by the Board of Trade to the Court in Scotland, mean any Lord Ordinary of the Court of Session, and in section seventeen of this Act shall in reference to proceedings in Scotland mean such Lord Ordinary.

Application of Act to Scotland (see p. 96, ante).

51.—(1) This Act may be cited as the Patents and Designs (Amendment) Act, 1907, and may be cited, and shall be construed as one, with the Patents, Designs, and Trade Marks Acts, 1883 to 1902.

Short title, commencement, and repeal.

(2) This Act shall, save as otherwise expressly provided, come into operation on the first of January one thousand nine hundred and eight.

(3) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	<p>In section seventeen, the words "by accident, mistake, or inadvertence," and the words "if satisfied that the failure has arisen from any of the above-mentioned causes."</p> <p>Section nineteen.</p> <p>Section twenty-five.</p> <p>In section twenty-six, sub-sections (5) (6) and (7) as from the date when rules of the Supreme Court dealing with the like matters come into force.</p> <p>In sub-section (8) of section twenty-six, the words "the date of revocation of" and the words "but the patent so granted shall cease on the expiration of the term for which the revoked patent was granted."</p> <p>Section twenty-nine, as from the date when rules of the Supreme Court dealing with the like matters come into force.</p> <p>In section thirty-four, the words "must be made within six months of the decease of such person and," sub-sections (2) and (3) of section forty-seven; and section forty-eight from the date when rules under the principal Act dealing with the like matters come in force.</p> <p>In section fifty, sub-section (2).</p> <p>Section fifty-one, from "and if he fails" to the end of the section.</p> <p>Section fifty-four.</p> <p>Section fifty-nine.</p> <p>Section ninety.</p> <p>Section ninety-one.</p> <p>Section ninety-eight.</p> <p>Section one hundred and six.</p>
51 & 52 Vict. c. 50.	The Patents, Designs, 888. Trade Marks Act, 1 and	Section twenty-four.
2 Edw. 7. c. 4.	The Patents Act, 1902.	In section three, the sub-sections numbered (5), (6), (8), (9) and (10).

STATUTORY RULES AND ORDERS, 1908.

No. 950.

PATENTS.

THE PATENTS RULES, 1908, DATED DECEMBER, 17, 1907.

By virtue of the provisions of the Patents and Designs Act, 1907, hereinafter referred to as the "Act," the Board of Trade, hereinafter referred to as the "Board," do hereby make the following Rules :—

SHORT TITLE.

1. These Rules may be cited as the Patents Rules, 1908. Short title.

COMMENCEMENT.

2. These Rules shall come into operation from and immediately after the 31st December, 1907, with the exception of such of them as relate to procedure under Section 8 of the Act, which shall come into operation at such date as the Board may by Order direct. Commence-
ment.

INTERPRETATION.

3. In the construction of these Rules—
"United Kingdom" includes the Isle of Man ; Interpre-
tation.
"Foreign Application" means an application by any person for protection of his invention in a Foreign State or British Possession to which by any Order in Council for the time being in force the provisions of Section 91 of the Act are applicable ;
"Convention Application" means an application in the United Kingdom under Section 91 of the Act ;
"Office" means the Patent Office ;
"Journal" means the Illustrated Official Journal (Patents).

FEES.

4. The fees to be paid under the Act, so far as it relates to Patents, shall be those specified in the list of fees in the First Schedule to these Rules. First Schedule.

FORMS.

Second
Schedule.

5. The forms herein referred to are those contained in the Second and Third Schedules to these Rules, and such forms shall be used in all cases to which they are applicable, and shall be modified as directed by the comptroller to meet other cases.

DOCUMENTS.

Size, &c., of
documents.

6. All documents and copies of documents, except drawings, sent to or left at the Office or otherwise furnished to the comptroller or to the Board shall be written, type-written, lithographed, or printed in the English language (unless otherwise directed) in large and legible characters with deep permanent ink upon strong white paper, and, except in the case of statutory declarations and affidavits, on one side only, of a size of approximately 13 inches by 8 inches, leaving a margin of at least one inch and a half on the left-hand part thereof, and the signatures thereto must be written in a large and legible hand. Duplicate documents shall at any time be left, if required by the comptroller.

At the top of the first page of a specification a space of about two inches should be left blank.

Leaving and
serving
documents.

7. Any application, notice, or other document authorised or required to be left, made, or given at the Office, or to the comptroller, or to any other person under the Act or these Rules, may be sent by a prepaid or official paid letter through the post, and if so sent shall be deemed to have been left, made, or given at the time when the letter containing the same would be delivered in the ordinary course of post. In proving such sending or service, it shall be sufficient to prove that the letter was properly addressed and put into the post.

A letter addressed to a patentee at his address as it appears on the register of patents or at his address for service or to any applicant for or opponent to the grant, revocation, or restoration of a patent at the address appearing on the application or notice of opposition or given for service as hereinafter provided shall be deemed to be sufficiently addressed.

Address for
service.

8. Every applicant for and opponent to the grant of a patent or the revocation of a patent or the restoration of a lapsed patent or the amendment of a specification, and every person who shall hereafter become a patentee, shall give an address for service in the United Kingdom, and such address may be treated, for all purposes connected with the patent, as the actual address of such applicant, opponent or patentee.

If any patentee desires to have two addresses for service entered in the register a request therefor shall be made on Patents Form No. 26.

The comptroller may require any existing patentee, who does not reside in the United Kingdom, to give an address for service within the United Kingdom, and such address may be treated as the actual address of the patentee for all purposes connected with such patent.

AGENCY.

9. With the exception of the signing of the following documents Agency. namely, applications for patents, or for the revocation of patents or the restoration of lapsed patents, requests for leave to amend applications, specifications, or letters patent, authorisations of agents, notices of oppositions, requests for issue of duplicate letters patent, and surrenders of letters patent, all communications to the comptroller under the Act and these Rules relating to patents may be signed by and all attendances upon the comptroller may be made by or through an agent duly authorised to the satisfaction of the comptroller, and resident or having a place of business in the United Kingdom. The comptroller shall not be bound to recognise as such agent, or to receive further communications in respect of any business under the Act relating to patents from, any person whose name, by reason of his having been adjudged guilty of disgraceful professional conduct, has been erased from the register of patent agents kept under the provisions of the Act, and not since restored, or any person who is proved to the satisfaction of the Board, after being given an opportunity of being heard, to have been convicted of such an offence or to have been guilty of such misconduct as would have rendered him liable, if his name had been on the register of patent agents, to have his name erased therefrom, or any company, which if it had been an individual, the comptroller could refuse to recognise as agent, or any company or firm, if any person whom the comptroller could refuse to recognise as an agent acts as director or manager of the company or is a partner in the firm. In any particular case, the comptroller may, if he think fit, require the personal signature or presence of an applicant, opponent, or other person.

APPLICATIONS FOR THE GRANT OF PATENTS.

10. An application for a patent, other than a Patent of Addition Form of application. or a Secret Patent, shall be made on one of the Patent Forms, Nos. 1, 1A or 1B, as the case may be. An application for a Patent of Addition shall be made on Patents Form No. 1C, and an application for a Secret Patent on Patents Form No. 1D.

11. In the case of an application for a patent by the legal Application by representative of deceased inventor. representative of a person who has died possessed of an invention, the probate of his will, or the letters of administration granted of his estate and effects, or an official copy of such probate or letters,

shall be produced at the Office in proof of the applicant's title as such legal representative and be supported by such further evidence as the comptroller may require.

Order of
recording
applications.

12. Applications for patents sent through the post shall, as far as may be practicable, be opened and numbered in the order in which the letters containing the same have been respectively delivered in the ordinary course of post.

Applications left at the Office otherwise than through the post shall be in like manner numbered in the order of their receipt at the Office.

One invention.

13.—(1) When a specification comprises several distinct matters, they shall not be deemed to constitute one invention by reason only that they are all applicable to or may form parts of an existing machine, apparatus, or process.

Applications
for separate
patents by way
of amendment.

Where a person making application for a patent has included in his specification more than one invention, the comptroller may require or allow him to amend such application and specification and drawings or any of them so as to apply to one invention only, and the applicant may make application for a separate patent for any invention excluded by such amendment.

Every such last-mentioned application may, if the comptroller at any time so direct, bear the date of the original application, or such date between the date of the original application and the date of the application in question, as the comptroller may direct, and shall otherwise be proceeded with as a substantive application in the manner prescribed by the Act and by these Rules.

Where the comptroller has required or allowed any application or specification or drawings or any of them to be amended as aforesaid, such application shall, if the comptroller at any time so direct, bear such date, subsequent to the original date of the application and not later than the date when the amendment was made, as the comptroller shall consider reasonably necessary to give sufficient time for the subsequent procedure relating to such application.

(2) Where the same applicant has put in two or more provisional specifications for inventions which he believes to be cognate or modifications one of the other and the comptroller is of opinion that such inventions are not cognate or modifications one of the other, the applicant may divide the complete specification left in connexion with his application into such number of complete specifications as may be necessary to enable the application to be proceeded with as two or more separate applications for patents for different inventions.

Claims.

14. The statement of the invention claimed, with which a complete specification must end, shall be clear and succinct as well as separate and distinct from the body of the specification.

APPLICATIONS UNDER THE INTERNATIONAL CONVENTION.

15. Every Convention application shall contain a declaration Convention applications. that foreign application has been made for protection of the invention to which such Convention application relates, and shall specify all the Foreign States or British Possessions in which such foreign applications have been made, and the official date or dates thereof respectively. The application must be made within twelve months from the date of the first foreign application, and must be accompanied by a complete specification, and signed by the person or persons by whom such first foreign application was made. If such person, or any of such persons be dead, the application must be signed by the legal representative of such dead person, as well as by the other applicants, if any.

16. In addition to the specification left with every Convention application a copy or copies of the specification or specifications and drawings or documents filed or deposited by the applicant in the Patent Office of the Foreign State or British Possession in respect of the first foreign application, duly certified by the official chief or head of the Patent Office of such Foreign State or British Possession as aforesaid, or otherwise verified to the satisfaction of the comptroller, must be left at the Office at the same time as the application or within such further time thereafter not exceeding three months as the comptroller may allow. If any specification or other document relating to the application is in a foreign language, a translation thereof shall be annexed thereto and verified by statutory declaration or otherwise to the satisfaction of the comptroller. Foreign specification, &c., to accompany application.

An application for extension of time for leaving the copy or copies of the foreign specification or specifications, drawings or documents shall be made on Patents Form No. 5.

17. If the complete specification left with the application be not accepted within twelve months from the date of the first foreign application, it shall be open to public inspection Public inspection. at the expiration of that period.

18. Save as aforesaid and as provided by Rule 83 all proceedings Proceedings. in connexion with a Convention application shall be taken within the times and in the manner prescribed by the Act or these Rules for ordinary applications.

DRAWINGS.*

19. Drawings, when furnished, should accompany the provisional General. or complete specification to which they refer, except in the case provided for by Rule 26. No drawing or sketch such as would

* NOTE.—Copies of Instructions as to the Preparation of Drawings may be had on application to the Patent Office.

require the preparation for the printer of a special illustration for use in the letterpress of the specification when printed should appear in the specification itself.

Requirements
as to paper, etc.

20. Drawings may be made by hand or lithographed, printed, &c. They must be made on pure white, hot-pressed, rolled, or calendered strong paper of smooth surface, good quality, and medium thickness without washes or colours, in such a way as to admit of being clearly reproduced on a reduced scale by photography. Mounted drawings must not be used.

Size of
drawings and
arrangement
of figures.

21. Drawings must be on sheets which measure 13 inches from top to bottom and are either from 8 inches to $8\frac{1}{2}$ inches or from 16 inches to $16\frac{1}{2}$ inches wide, the narrower sheets being preferable.

If there are more figures than can be shown on one of the smaller sized sheets, two or more of these sheets should be used in preference to employing the larger size. When an exceptionally large figure is required, it should be continued on subsequent sheets. There is no limit to the number of sheets that may be sent in, but no more sheets should be employed than are necessary. The figures should be numbered consecutively throughout and without regard to the number of sheets, and should not be more numerous than is absolutely necessary. They should be separated by a sufficient space to keep them distinct.

Drawings to
be suitable
for repro-
duction.

22. Drawings must be prepared in accordance with the following requirements:—

- (a) They must be executed with absolutely black ink.
- (b) Each line must be firmly and evenly drawn, sharply defined, and of the same strength throughout.
- (c) Section lines, lines for effect, and shading lines should be as few as possible, and must not be closely drawn.
- (d) Shading lines must not contrast too much in thickness with the general lines of the drawing.
- (e) Sections and shading should not be represented by solid black or washes.
- (f) They should be on a scale sufficiently large to show the invention clearly, and only so much of the apparatus, machine, &c., should appear as effects this purpose. If the scale is given, it should be drawn, and not denoted by words.

Reference letters and figures, and index numerals used in conjunction therewith, must be bold, distinct and not less than one eighth of an inch in height. The same letters should be used in different views of the same parts. Where the reference letters are shown outside the figure, they must be connected with the parts referred to by fine lines.

Drawings to
bear name of

23. Drawings must bear the name of the applicant (and, in the

case of drawings left with a complete specification after one or more provisional specifications, the numbers and years of the applications) in the left-hand top corner; the number of sheets of drawings sent, and the consecutive number of each sheet, in the right-hand top corner; and the signature of the applicant or his agent in the right-hand bottom corner. Neither the title of the invention nor any descriptive matter should appear on the drawings.

24. A facsimile or "true copy" of the original drawings should be filed at the same time as the original drawings, prepared strictly in accordance with the above Rules, except that it may be on tracing cloth and the reference letters and figures should be in black-lead pencil.

The words "original" or "true copy" must in each case be marked at the right-hand top corner, under the numbering of the sheet.

25. Drawings must be delivered at the Office so as to be free from folds, breaks, or creases which would render them unsuitable for reproduction by photography.

26. If an applicant desires to adopt the drawings lodged with his provisional specification as the drawings or part of the drawings for his complete specification, he should refer to them in the complete specification as those left with the provisional specification.

EXTENSION OF TIME FOR LEAVING COMPLETE SPECIFICATION.

27. An application for one month's extension of time for leaving a complete specification shall be made on Patents Form No. 6.

PROCEDURE UNDER SECTION 7 OF THE ACT.

28. If after the leaving of any complete specification the Examiner reports that the nature of the invention is not sufficiently disclosed and defined to enable him to make the investigation prescribed by sub-section 1, and the comptroller requires amendment of the specification and drawings, or any of them, the application shall, if the comptroller at any time so direct, bear such date, subsequent to its original date and not later than the date when the requirement is complied with, as the comptroller may consider reasonably necessary to give sufficient time for the subsequent procedure relating to such application.

29. When the Examiner in prosecution of the investigation prescribed by sub-section 1, finds that the invention claimed in the specification under examination has been wholly claimed or described in one or more specifications within the meaning of the sub-section, he shall, without any further prosecution of the investigation, make a provisional report to that effect to the comptroller.

If the provisional report of the Examiner made under this Rule be not reversed or altered, it may be deemed a final report, and the application shall be dealt with as provided by sub-section 4. If, however, such provisional report be reversed or altered, the investigation shall be continued, and a further report shall be made to the comptroller, and the specification shall be dealt with as provided in sub-section 3 or sub-section 4, as the case may require.

Time for
leaving
amended
specification.

30. The time within which an applicant may leave his amended specification under sub-section 2 shall be two months from the date of the letter informing him that the invention claimed has been wholly or in part claimed or described in any specification or specifications within the meaning of sub-section 1.

Hearing by the
comptroller
under sub-
section 4.

31. When the applicant for a patent has been informed of the result of the investigation of the Examiner, made under the provisions of sub-section 1, and the time allowed for amendment of his specification has expired, the comptroller, if he is not satisfied that no objection exists to the specification on the ground that the invention claimed therein has been wholly or in part claimed or described in a previous specification within the meaning of that sub-section, shall inform the applicant accordingly and appoint a time for hearing him, and shall give him ten days' notice at the least of such appointment. The applicant shall as soon as possible notify the comptroller whether or not he desires to be heard. The comptroller shall, after hearing the applicant, or without a hearing, if the applicant has not attended a hearing appointed or has notified that he does not desire to be heard, determine whether reference ought to be made in the applicant's specification to any, and, if so, what prior specification or specifications by way of notice to the public, and in the event of the invention claimed being wholly and specifically claimed in any specification to which the investigation has extended whether he should refuse to grant a patent.

Reference
to prior
specification.

32. When under sub-section 4 the comptroller determines that a reference to a prior specification ought to be made by way of notice to the public, the form of reference shall be as follows, and shall be inserted after the claims:—

Reference has been directed in pursuance of section 7, sub-section 4, of the Patents and Designs Act, 1907, to specification No. of 1 .

Where the reference is inserted as the result of a provisional report under Rule 29, a statement to that effect shall be added to the reference.

PROCEDURE UNDER SECTION 8 OF THE ACT.

Procedure
under section 8.

33. Where on the extended investigation provided for by section 8 of the Act it appears that the invention claimed in any specification deposited pursuant to an application is wholly or in part

claimed in any published specification deposited pursuant to a prior application, the applicant shall be informed of the result of such extended investigation, and shall, within two months from the date of the letter so informing him, apply for leave to amend his specification by way of disclaimer, stating specifically what amendments he is prepared to make in it to remove the objection of anticipation, or if he considers that no amendments are necessary, inform the comptroller accordingly.

The comptroller shall consider any amendments submitted by the applicant for this purpose, and may allow the necessary amendments to be made.

If, at the expiration of the said two months, or such further time as the comptroller may allow, the comptroller is not satisfied that the invention claimed by the applicant is not wholly or in part claimed in the specification or specifications cited, he shall inform the applicant accordingly and appoint a time for hearing him, and shall give him ten days' notice at the least of such appointment. The applicant shall as soon as possible notify the comptroller whether or not he desires to be heard. The comptroller shall, after hearing the applicant or without a hearing, if the applicant has not attended a hearing appointed, or has notified that he does not desire to be heard, determine whether reference ought to be made in the applicant's specification to any, and if so, what prior specification or specifications by way of notice to the public. Hearing by
comptroller.

34. When, under sub-sect. 2, the comptroller determines that reference to a prior specification ought to be made, by way of notice to the public, the form of reference shall be as follows, and shall be inserted after the claims:— Reference to
prior specifi-
cation.

“Reference has been directed, in pursuance of sect. 8, sub-sect. 2, of the Patents and Designs Act, 1907, to Specification No. of 1 .”

35. When, after any accepted specification has been published, any amendment has been made, or any reference inserted therein, under either of the last two preceding Rules, notice thereof shall be advertised in the Journal. Advertise-
ment of
amendments.

CHEMICAL INVENTIONS.—TYPICAL SAMPLES AND SPECIMENS.

36. Where under sect. 2, sub-sect. (5), of the Act before the acceptance of the complete specification left on any application for a patent for a chemical invention, the comptroller in any particular case considers it desirable to require typical samples or specimens to be furnished, such samples or specimens must, if so required by the comptroller, be supplied in duplicate. Chemical
inventions—
Typical
samples and
specimens.

The fact that such samples or specimens have been furnished shall be notified to the public by a statement to that effect on the

complete specification and in connexion with the advertisement of acceptance of same in the Journal.

The samples or specimens must, unless other directions are specially given, be supplied in glass bottles of a total height not exceeding three inches, and of an external diameter of $1\frac{1}{2}$ inches, and the bottle must be securely closed by well-fitting stoppers, and sealed. Each bottle must have an adhesive or otherwise securely attached label bearing a description which clearly identifies the sample with the substance described in the specification. Labels which are not secured to the bottle by an adhesive should be 3 inches wide and not more than 4 inches long.

Where samples or specimens of colouring matters are required to be supplied, they must be accompanied by samples or specimens of materials printed or dyed with such colouring matters; such last-mentioned samples or specimens must be as flat as possible, and firmly attached to cards 13 inches long by 8 inches broad. The cards must bear a full description of the processes by which the respective dyed or printed effects were produced, including the compositions and strengths of the various baths, the temperatures, duration of treatment, degree of exhaustion of the dye baths, in the case of dyed fabrics the percentage of colouring matter fixed on, in the case of prints the composition of the printing paste, and other necessary information. This description must also clearly identify the substance used with that described in the specification.

Samples of poisonous, corrosive, explosive, or easily inflammable substances must be clearly marked as such.

ACCEPTANCE OF SPECIFICATIONS.

Extension of
time for
accepting
complete
specification
Notice and
advertise-
ment of
acceptance.
Inspection of
specification.

37. An application for extension of time for accepting a complete specification shall be made on Patents Form No. 7.

38. On the acceptance of a provisional or complete specification the comptroller shall give notice thereof to the applicant, and shall advertise the acceptance of every complete specification in the Journal.

39. Upon such acceptance in the case of a complete specification the application and specification or specifications with the drawings (if any) may be inspected at the Office upon payment of the prescribed fee.

OPPOSITION TO GRANTS OF PATENTS.

Notice of
opposition.

40. A notice of opposition to the grant of a patent shall be given on Patents Form No. 8, and shall state the ground or grounds on which the person giving such notice (herein called the opponent) intends to oppose the grant, and must be signed

by him. Such notice shall be accompanied by an unstamped Copy for copy, which shall be transmitted by the comptroller to the applicant. applicant.

Where the person giving notice of an opposition does not desire that the patent should be refused, but merely that the specification should be amended by disclaimer or limitation, the notice of opposition should be accompanied or supplemented as soon as may be by a written statement to that effect, indicating so far as can conveniently be done the general nature of the amendments desired and the portions of the earlier specifications, if any, relied upon as necessitating such amendments. Statement of amendments desired.

41.—(1) Where the ground of an opposition is that the applicant has obtained the invention from the opponent, or from a person of whom such opponent is the legal representative, unless evidence in support of such allegation be left at the Office within fourteen days after the expiration of two months from the date of the advertisement of the acceptance of the applicant's complete specification or such further time as the comptroller may in any special case allow, the opposition shall be deemed to be abandoned. Evidence in support of allegation that invention has been obtained from opponent.

(2) Where the ground of the opposition is that the nature of the invention or the manner in which it is to be performed is not sufficiently or fairly described and ascertained in the complete specification, the notice of opposition should be accompanied by a written statement indicating so far as can conveniently be done in what respects the invention is alleged to be insufficiently or unfairly described or ascertained.

42. Except in the case provided for in Rule 41 (1) statutory declarations need not be left in connexion with an opposition, but the opponent may within fourteen days after the expiration of two months from the date of the advertisement of the acceptance of the applicant's complete specification, leave at the Office statutory declarations in support of his opposition, and on so leaving shall deliver to the applicant copies thereof. Opponent's evidence.

43. Within fourteen days from the delivery of such copies, the applicant may leave at the Office statutory declarations in answer, and on so leaving shall deliver to the opponent copies thereof, and within fourteen days from such delivery the opponent may leave at the Office his statutory declarations in reply, and on so leaving shall deliver to the applicant copies thereof. Such last-mentioned declarations shall be confined to matters strictly in reply. Applicant's evidence.

44. If the opponent does not leave statutory declarations in support of his opposition, the applicant may (if he desires so to do) within three months from the date of the advertisement of the acceptance of his complete specification, leave at the Office statutory declarations. Evidence in reply. Applicant's evidence if opponent does not leave statutory declarations.

declarations in support of his application, and on so leaving shall deliver to the opponent copies thereof.

Opponent's
evidence.

45. Within fourteen days from the delivery of such copies, the opponent may leave at the Office statutory declarations in answer, and on so leaving shall deliver to the applicant copies thereof, and within fourteen days from such delivery the applicant may leave at the Office his statutory declarations in reply, and on so leaving shall deliver to the opponent copies thereof. Such last-mentioned declarations shall be confined to matters strictly in reply.

Evidence in
reply.

Closing of
evidence.

46. No further evidence shall be left on either side except by leave, or on the requisition, of the comptroller.

Hearing.

47. On completion of the evidence (if any), or at such other time as he may see fit, the comptroller shall appoint a time for the hearing of the case, and shall give the parties ten days' notice at the least of such appointment. If either party does not desire to be heard he shall as soon as possible notify the comptroller to that effect. If either party desires to be heard he must leave Patents Form No. 9 at the Office. The comptroller may refuse to hear either party who has not left Patents Form No. 9 prior to the date of hearing. If either party intends to refer at the hearing to any publication other than a specification mentioned in the notice of opposition, he should, unless the same has been referred to in a statutory declaration already filed, give to the other party and to the comptroller five days' notice at the least of his intention, together with details of each publication to which he intends to refer. After hearing the party or parties desirous of being heard or if neither party desires to be heard, then without a hearing, the comptroller shall decide the case and notify his decision to the parties.

SEALING OF PATENT AND PAYMENT OF FEE.

Sealing of
patent and pay-
ment of fee.

48. If the applicant for a patent desires to have a patent sealed on his application, he shall within the period allowed by sect. 12 of the Act pay the sealing fee by leaving at the Office Patents Form No. 10, duly stamped.

Where in consequence of the neglect or failure of the applicant to pay such fee, a patent cannot be sealed within the period allowed by sect. 12, the applicant may apply to the comptroller on Patents Form No. 11 or Patents Forms No. 12, as the case may be, for an extension of such period not exceeding three months where the period allowed for the sealing of the patent expires after the commencement of the Act, and not exceeding three months after the commencement of the Act where the period allowed for the sealing of the patent expired before the commencement of the Act.

The comptroller shall consider such application, and if the circumstances of the case appear to him to warrant the granting of the extension, he may seal the patent within such extended period.

Where the period allowed for the sealing of the patent has expired before the commencement of the Act, no proceedings shall be taken in respect of an infringement committed after the failure to pay the fee and before the sealing of the patent.

FORM OF PATENT.

49. A patent, except in the cases provided for in Rules 50 and 51, may be in the Form A, in the Third Schedule to these Rules. Form of patent.

50. A patent of addition may be in the Form B, in the Third Schedule to these Rules. Form of patent of addition.

51. Where after the commencement of the Act a patent is granted to the legal representatives of a deceased inventor, or in any case in which the applicants have asked to be treated for the purpose of the devolution not only of the legal but also of the beneficial interest in such patent as joint tenants, the form of the patent shall be modified so as to shew clearly that the persons to whom the grant is made are to be treated for the purpose of the devolution not only of the legal but also of the beneficial interest in the patent as joint tenants. Form of patent to legal representatives of deceased inventor and others.

RENEWAL FEES.

52. If a patentee intends, at the expiration of the fourth year from the date of his patent or of any succeeding year during the term of the patent, to keep the same in force, he shall before the expiration of such year pay the prescribed annual renewal fee by means of Patents Form No. 13. The patentee may pay all or any of such prescribed annual renewal fees in advance. An application for an enlargement of time for payment of any fee under this Rule shall be made on Patents Form No. 14. Renewal fees.

53. On due compliance with the terms of Rule 52, the comptroller shall issue a certificate that the prescribed payment has been duly made. Certificate of payment of fee.

54. At any time not less than one month before the date when any renewal fee will become due in respect of any patent, the comptroller shall send to the patentee or patentees, whose names appear in the Register of Patents, at his or their address or addresses for service, or to the address of the person or persons who paid the last renewal fee, a notice reminding him or them of the date when such fee will become due, and of the consequences of the non-payment thereof. Notice as to renewal fees.

RESTORATION OF LAPSED PATENTS.

Restoration of
lapsed patents.

55. Where any patent has become void owing to the failure of the patentee to pay any prescribed fee within the prescribed time the patentee may apply to the comptroller on Patents Form No. 15 for an order for the restoration of the patent. Every such application shall be accompanied by one or more statutory declarations verifying the statements contained in such application. If the comptroller entertains the application, he shall advertise it in the Journal, and in such other manner as in his opinion is desirable. At any time within two months from the first of such advertisements in the Journal any person may give notice of opposition at the Office on Patents Form No. 16, and a copy of such notice shall be transmitted by the comptroller to the applicant.

Opponent's
evidence.

56. Where such notice is given the opponent shall within 14 days after leaving the notice leave at the Office one or more statutory declarations verifying any evidence on which he relies in support of the grounds of his opposition, and on so leaving shall deliver to the applicant copies thereof.

Further
procedure.

57. Upon such declarations being left and delivered the provisions of Rules 43, 46, and 47 shall apply to the case, and the further proceedings thereon shall be regulated in accordance with such provisions as if they were herein repeated.

Order.

58. In every Order of the comptroller restoring a patent, provisions shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent has been announced as void in the Journal. Such provisions shall restrain the patentee from commencing or prosecuting any action or other proceeding, and from recovering any damage :—

(1) In respect of any infringement of the patent which shall have taken place after the date on which the patent was announced in the Journal to be void and before the date of the order.

(2) In respect of the use or employment at any time thereafter of any mechanism, machine, machinery, process or operation actually made or carried on within the United Kingdom or of the use, purchase, or sale of any article manufactured or made in infringement of the patent after the date of the said announcement and before the date of the order. Provided that such use, purchase, sale, or employment is by the person or corporation by or for whom such machine or machinery or article was *bonâ fide* manufactured or made, or such mechanism, machine, machinery, process or operation was *bonâ fide* made or carried on, his or their executors, administrators, successors, or vendees, or his or their assigns respectively.

(3) In respect of the use, employment, or sale at any time thereafter by any person or corporation entitled for the time being under the preceding sub-section to use or employ any machine,

machinery, mechanism, process or operation, or any improved or additional machine, machinery, mechanism, process or operation, or of the use or sale of any article manufactured or made by any of the means aforesaid in infringement of the patent; provided that the use or employment of any such improved or additional machine, machinery, mechanism, process or operation shall be limited to the buildings, works or premises existing at the time being or afterwards erected of the person or corporation by or for whom such machine, machinery, mechanism, process or operation was made or carried on within the meaning of the preceding paragraph, his or their executors, administrators, successors or assigns.

59. The Order shall further provide that if any person within one year after the date thereof make an application to the Board for compensation in respect of money, time, or labour expended by the applicant upon the subject-matter of the patent in the *bond fide* belief that such patent had become and continued to be void, it shall be lawful for the Board, after hearing the parties concerned or their agents to assess the amount of such compensation, if in their opinion the application ought to be granted, and to specify the party by whom and the day on which such compensation shall be paid, and if default shall be made in payment of the sum awarded, then the said patent shall become void, but the sum awarded shall not in that case be recoverable as a debt or damages. Compensation.

AMENDMENT OF SPECIFICATION.

60. A request to the comptroller for leave to amend a specification, except when such request is made under Rule 33, shall be made on Patents Form No. 17. The request must be accompanied by a duly certified copy of the original specification and drawings, showing in red ink the proposed amendment in such manner as to indicate clearly the alteration desired, and shall be advertised by publication of the request and the nature of the proposed amendment in the Journal, and in such manner (if any) as the comptroller may in each case direct. Request for leave to amend.

61. A notice of opposition to the amendment shall be on Patents Form No. 18, and shall be accompanied by an unstamped copy, which copy shall be transmitted by the comptroller to the applicant. Notice of opposition.
Copy for the applicant.

62. Within fourteen days after the expiration of one month from the first advertisement of the application for leave to amend, the opponent may leave at the Office statutory declarations in support of his opposition, and on so leaving shall deliver to the applicant copies thereof. Opponent's evidence.

63. Upon such declarations being left, and such copies being delivered, the provisions of Rules 43, 46, and 47 shall apply to the Further proceedings.

case, and the further proceedings shall be regulated in accordance with such provisions as if they were herein repeated.

Applicant's
evidence if
opponent does
not leave
statutory
declarations.

64. If the opponent does not leave statutory declarations in support of his opposition, the applicant may (if he desires so to do) within two months from the date of the first advertisement of the application for leave to amend leave at the Office statutory declarations in support of his application, and on so leaving shall deliver to the opponent copies thereof.

Further
proceedings.

65. Upon such declarations being left, and such copies being delivered, the provisions of Rules 45, 46, and 47 shall apply to the case, and further proceedings therein shall be regulated in accordance with such provisions as if they were herein repeated.

Requirements
on amendment.

66. Where leave to amend is given the applicant shall, if the comptroller so require, and within a time to be limited by him, leave at the Office a new specification and drawings as amended, to be prepared in accordance with Rules 6 and 19 to 25.

Advertisement
of amendment.

67. Every amendment of a specification shall be advertised forthwith by the comptroller in the Journal, and in such other manner (if any) as the comptroller may direct.

COMPULSORY LICENCES AND REVOCATION OF PATENTS.

Petition for
grant of
compulsory
licence or
revocation
of Patent.

68. A petition to the Board for an order under sect. 24 of the Act shall be made on Patents Form No. 20, and shall show clearly the nature of the petitioner's interest and the ground or grounds upon which he claims to be entitled to relief, and shall state in detail the circumstances of the case, the terms upon which he asks that an order may be made, and the purport of such order, and the name and address of the patentee and any other person who is alleged in the petition to have made default.

To be left with
evidence at
Office.

69. The petition and an examined copy thereof shall be left at the Office with a request on Patents Form No. 19, and shall be accompanied by affidavits or statutory declarations in proof of the allegations contained in the petition together with any other documentary evidence in support, and the petitioner shall simultaneously with, or as soon as may be after, the leaving of such petition deliver to the patentee and any other person who is alleged in the petition to have made default, copies of the petition and of such affidavits or statutory declarations and other documentary evidence in support.

Opponent's
evidence.

70. The persons to whom such copies are delivered by the petitioner may give notice of opposition on Patents Form No. 21, and may, within fourteen days after being invited to do so by the Board, leave at the Office their affidavits or statutory declarations in answer, and if they do so shall deliver copies thereof to the petitioner ; and the petitioner may within fourteen days from such

Evidence
in reply.

last-mentioned delivery leave at the Office his affidavits or statutory declarations in reply, and if he does so shall deliver copies thereof to the patentee or any other person alleged in the petition to have made default, such last-mentioned affidavits or statutory declarations being confined to matters strictly in reply.

The times prescribed by this Rule may be altered or enlarged by the Board, if they think fit, upon such notice to parties interested and upon such terms, if any, as they may direct.

71. No further evidence than as aforesaid may be left by either side at the Office except by leave or on requisition of the Board and upon such terms, if any, as the Board may think fit. Closing of evidence.

72. The Board shall consider the petition and the evidence, with a view to satisfying themselves whether a *primâ facie* case has been made out for proceeding further with the petition, and if they are not so satisfied they shall dismiss the petition. Power of Board of Trade to dismiss petition.

73. If they are so satisfied, they shall consider whether there is any probability of an arrangement being come to between the parties, and if it appears to them that there is any reasonable probability that such an arrangement can be come to, they may take such steps as they consider desirable to bring it about, and in the meanwhile may defer the reference of the petition to the Court. Arrangements between parties.

74. If the Board are not of opinion that there is a reasonable probability of any arrangement being come to between the parties and are satisfied that a *primâ facie* case has been made out by the petitioner, they shall refer the petition to the Court, with copies of any affidavits, statutory declarations, or other documentary evidence which may have been furnished under the foregoing Rules, and with certified copies of all entries in the Register of Patents relating to the patent in question and any other information in the possession of the Board which it appears to them may be of service to the Court in ascertaining what persons should be made parties to the proceedings before the Court, and the Board shall give written notice to the parties that the petition has been referred to the Court. Reference of petition to the Court.

PROCEDURE UNDER SECTION 26 OF THE ACT.

75. An application for the revocation of a patent under sect. 26 of the Act shall be made on Patents Form No. 22, and shall be accompanied by an unstamped copy of the form, which shall be transmitted by the comptroller to the patentee. Where the ground of application is that the applicant for the patent obtained the invention from the person applying for the revocation of the patent, evidence by way of statutory declaration in support of such allegation shall be left at the Office at the same time as the application for the revocation, or as soon as may be thereafter. In other cases Application under sect. 26 of the Act.

such evidence may be so left by the applicant for revocation if he desires. Copies of any declaration left at the Office under this Rule shall be delivered by the applicant to the patentee.

Procedure.

76. Upon such declarations being left and delivered the provision of Rules 43 to 47 shall apply *mutatis mutandis* to the furnishing of further evidence and to the hearing of the case before the comptroller.

Surrender of patent.

77. A notice of an offer by a patentee to surrender his patent under sect. 26 of the Act shall be given on Patents Form No. 23, and shall be advertised by the comptroller in the Journal and in such other manner, if any, as he deems desirable.

REVOCATION OF PATENTS WORKED OUTSIDE THE UNITED KINGDOM.

Revocation of patents worked outside the United Kingdom.

78. An application for the revocation of a patent under sect. 27 of the Act shall be made on Patents Form No. 24. The applicant shall simultaneously with, or as soon as may be after, the leaving of such application at the Office deliver, or cause to be delivered, to the patentee or his agent a copy of such application, and furnish the comptroller with evidence of such delivery.

Procedure.

79. The patentee shall within fourteen days from the delivery of such copy, or within such further time as the comptroller may allow, leave at the Office evidence, by way of statutory declaration, stating whether or not the allegations contained in the application are correct; and, if they are incorrect, to what extent, and in what place the patented article or process is manufactured or carried on in the United Kingdom; and setting out in the event of the article or process not being manufactured or carried on in the United Kingdom to an adequate extent, the reasons why it is not so manufactured or carried on. The patentee shall deliver, or cause to be delivered, copies of such evidence to the applicant, and furnish the comptroller with evidence of such delivery.

Within fourteen days from the delivery of such copies, or within such further time as the comptroller may allow, the applicant shall, if he decides to proceed with his application, leave at the Office statutory declarations in answer, and on so leaving shall deliver to the patentee or his agent copies thereof, and furnish the comptroller with evidence of such delivery.

Closing of evidence.

80. No further evidence shall be left at the Office on either side except by leave, or on the requisition of the comptroller, and upon such terms, if any, as the comptroller may think fit.

Hearing.

81. On completion of the evidence or at such other time as he may see fit, the comptroller shall appoint a time for the hearing of the case, and give the parties 10 days' notice at least of such

appointment, and in the event of his deciding to take evidence *vivâ voce* in lieu of or in addition to the evidence by declaration, or to allow any declarant to be cross-examined on his declaration, he may require the attendance of any declarant or other person, whose evidence he may consider desirable.

REGISTER OF PATENTS.

82. Upon the sealing of a patent the comptroller shall cause to be entered in the Register of Patents the name, address, and calling of the patentee as the grantee thereof, the title of the invention, the date of the patent, and the date of the grant thereof, together with the address for service. Entry of grant.

83. The patent granted on any Convention application shall be entered in the register as dated of the date on which the first foreign application was made, and the payment of renewal fees, and the expiration of the patent, shall be reckoned as from the date of the first foreign application. The date of the application in this country shall also be entered in the register. Entry in respect of Convention application.

84. If a patentee send to the comptroller on Patents Form No. 25 notice of an alteration in his name or address or address for service, the comptroller shall cause the register to be altered accordingly, and may require the altered address to be in the United Kingdom. Alteration of address.

85. Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to any interest therein, as mortgagee, licensee or otherwise, a request for the entry in the register of his name as proprietor of the patent, or of a notice of such interest, as the case may be, shall be addressed to the comptroller, and left at the Office. Request for entry of subsequent proprietorship.

86. Such request shall be on Patents Form No. 27 or Patents Form No. 28, as the case may be, and shall in the case of individuals be made and signed by the person requiring to be registered as proprietor, or by his agent, and in the case of a body corporate by its agent. Form and signature of request.

87. Every such request shall state the name, address, and calling of the person claiming to be entitled to the patent, or to any interest therein, as the case may be, and the particulars of the assignment, transmission, or other operation of law, by virtue of which he claims to have entered in the register his name as proprietor or a notice of such interest, so as to show the manner in which, and the person or persons to whom, the patent, or such interest therein as aforesaid, has been assigned or transmitted. Particulars to be stated in request.

88. Every assignment, and every other document containing, giving effect to, or being evidence of, the transmission of a patent or affecting the proprietorship thereof as claimed by such request, Production of documents of title and other proof.

except such documents as are matters of record, shall, unless the comptroller in his discretion otherwise directs, be produced to him together with the request, and he may call for such other proof of title as he may require for his satisfaction.

As to a document which is a matter of record, an official or certified copy thereof shall in like manner be produced to the comptroller.

Copies for
Office.

89. There shall also be left with the request an attested copy of the assignment or other document or copy above required to be produced.

Entry of notice
of interest.

90. The notice of interest in the patent of any person other than the proprietor entered in the register in pursuance of the request shall be such as may appear applicable to the circumstances of the particular case.

Entry of
notification of
document.

91. Where it is desired to enter in the register a notification of any document purporting to affect the proprietorship of a patent an attested copy of such document shall be left at the Office with a request on Patents Form No. 29 that a notification thereof may be entered in the register. The accuracy of such copy shall be certified as the comptroller may direct, and the original document shall at the same time be produced and left at the Office if required for further verification.

Entry of date
of payment of
fees on issue of
certificate.

92. Upon the issue of a certificate of payment under Rule 53, the comptroller shall cause to be entered in the register a record of the date of payment of the fee on such certificate.

Entry of failure
to pay fees.

93. If a patentee fails to make any prescribed payment within the prescribed time, or any enlargement thereof duly granted, there shall be duly entered in the register a notification of such failure.

Hours of
inspection of
register.

94. The register of patents shall be open to the inspection of the public on every day on which the Office is open to the public during the time it is so open except at such times when the register is required for any purpose of official use.

CORRECTION OF CLERICAL ERRORS.

Correction of
clerical errors.

95. A request for the correction of a clerical error in or in connexion with an application for a patent, or in any patent or specification, or in any matter which is entered upon the register of patents, shall be made on Patents Form No. 30.

CERTIFICATES.

Certificates and
certified copies
of documents.

96. A request for a certificate of the Comptroller as to any entry, matter or thing which he is authorised by the Act or any of these Rules to make or do, shall be made on Patents Form No. 31.

Certified copies of any entry in the register, or certified copies of, or extracts from, patents, specifications, disclaimers, affidavits, statutory declarations, and other public documents in the Office, or of or from registers and other books kept there, may be furnished by the comptroller on payment of the prescribed fee.

SECRET PATENTS.

97. When it has been decided by the Secretary of State for Secret patents. War or the Admiralty that it is advisable to take out a secret patent for any invention assigned under sect. 30 of the Act, and an application for such patent has been made on Patents Form No. 1D, accompanied by a certificate of the Secretary of State or the Admiralty, under sect. 30 (3) of the Act, the comptroller shall not communicate the application or any documents relating thereto to any member of his staff other than a deputy or special examiner or examiners, who shall make the required investigations and reports required by the Act to be made in the case of other applications for patents.

Unless and until such invention is re-assigned to the inventor by the Secretary of State or the Admiralty—

- (1) No copy of any specification or any other document or drawing relating thereto shall in any manner whatever be published or open to the inspection of the public.
- (2) The application for the patent, and the acceptance of any specification relating to the invention shall not be advertised, nor shall the grant of the patent for such invention be open to opposition under sect. 11 of the Act; but the comptroller shall cause a patent to be sealed in respect of every such invention as soon as may be after the acceptance of the complete specification relating thereto.
- (3) Every such secret patent shall be registered in a confidential register at the Office, and no details or particulars relating thereto shall at any time be published as required by the Act for ordinary patents. Nor shall any entry be made in the ordinary Register of Patents in respect of any such patent or any assignment thereof.
- (4) No fees shall be payable in respect of any secret patent, and every such patent, notwithstanding the non-payment of such fees, shall remain in force for the full period of 14 years from its date.

98. When an application has been made otherwise than as Certificate of provided by the last preceding rule for a patent for an invention, secrecy after and such application is still pending, and a certificate under application.

sect. 30 (3) of the Act is furnished to the comptroller by the Secretary of State or the Admiralty, the provisions of such rule shall, so far as is practicable, having regard to the date of such certificate, apply to such application and to all documents relating thereto.

Re-assignment. 99. In the event of any secret patent being re-assigned to the inventor by the Secretary of State or the Admiralty, it shall be removed from the Confidential Register of secret patents; all fees that would have been thereafter payable if the same had not been a secret patent shall be paid in respect thereof; and the patent shall remain in force only for the same term, and subject to the same conditions as to payment of fees and otherwise as if it had not been a secret patent.

LOST PATENT.

Lost patent. 100. An application for a duplicate of a patent which has been lost or destroyed shall be made on Patents Form No. 32, and in accordance with the directions thereon.

INDUSTRIAL OR INTERNATIONAL EXHIBITIONS.

Industrial or
international
exhibitions.

101. Any person desirous of exhibiting an invention at an industrial or international exhibition, or of publishing any description of the invention during the period of the holding of the exhibition, or of using the invention for the purpose of the exhibition in the place where the exhibition is held, may, after the Board have issued a certificate that the exhibition is an industrial or international one, give to the comptroller notice on Patents Form No. 33 of his intention to exhibit, publish, or use the invention, as the case may be. For the purpose of identifying the invention in the event of an application for a patent being subsequently made the inventor shall furnish to the comptroller a brief description of his invention, accompanied, if necessary, by drawings, and such other information as the comptroller may in each case require.

EXERCISE OF DISCRETIONARY POWERS BY THE COMPTROLLER.

Exercise of
discretionary
powers by
comptroller.

Notice of
hearing.

Notice by
applicant.

102. Before exercising any discretionary power given to the comptroller by the Act or these Rules adversely to the applicant for a patent or for amendment of a specification, the comptroller shall give ten days' notice, or such longer notice as he may think fit, to the applicant of the time when he may be heard personally or by his agent before the comptroller.

103. Within five days from the date on which such notice would be delivered in the ordinary course of post, or such longer time as the comptroller may appoint in such notice, the applicant

shall notify in writing to the comptroller whether or not he intends to be heard upon the matter.

104. Whether the applicant desires to be heard or not, the comptroller may at any time require him to submit a statement in writing within a time to be notified by the comptroller, or to attend before him and make oral explanations with respect to such matters as the comptroller may require.

Comptroller may require statement, etc.

105. The decision or determination of the comptroller in the exercise of any such discretionary power as aforesaid shall be notified by him to the applicant, and to any other person who appears to him to be affected thereby.

Decision to be notified to parties.

STATUTORY DECLARATIONS AND AFFIDAVITS.

106. The statutory declarations and affidavits required by these Rules, or used in any proceedings thereunder, shall be headed in the matter or matters to which they relate and shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered, and each paragraph shall so far as possible be confined to one subject. Every statutory declaration or affidavit shall state the description and true place of abode of the person making the same, and shall be written or printed bookwise and shall bear the name and address of the person leaving it and shall state on whose behalf it is left.

Form, &c., of statutory declaration and affidavit.

107. The statutory declarations and affidavits required by the Act and these Rules, or used in any proceedings thereunder, shall be made and subscribed as follows:—

Manner in which, and persons before whom, declaration or affidavit is to be taken

- (a) In the United Kingdom, before any justice of the peace, or any commissioner or other officer authorised by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceeding ;
- (b) In any other part of His Majesty's dominions, before any Court, judge, justice of the peace, or any officer authorised by law to administer an oath there for the purpose of a legal proceeding ; and
- (c) If made out of His Majesty's dominions, before a British Minister, or person exercising the functions of a British Minister, or a Consul, Vice-Consul, or other person exercising the functions of a British Consul, or before a notary public, or before a judge or magistrate.

GENERAL.

108. Any document for the amending of which no special provision is made by the Act may be amended, and any irregularity in procedure, which in the opinion of the comptroller may be

Power of amendment, &c.

obviated without detriment to the interests of any person, may be corrected, if and on such terms as the comptroller may think fit.

General power
to enlarge time.

109. The times prescribed by these Rules for doing any act, or taking any proceeding thereunder, other than the times for lodging evidence referred to in Rules 68 to 74, or the times prescribed by Rules 16, 41 and 55, may be enlarged by the comptroller if he thinks fit, and upon such notice to other parties, and proceedings thereon, and upon such terms, as he may direct.

Days and
hours of
business.

110. The Office shall be open to the public every weekday except Saturday between the hours of ten and four, and on Saturday between the hours of ten and one, except on the days following:—

Christmas Day, Good Friday, the day observed as His Majesty's birthday, the days observed as days of public fast or thanksgiving, or as holidays at the Bank of England, and days which may from time to time be notified by a placard posted in a conspicuous place at the Office.

Excluded days.

111. Whenever the last day fixed by the Act, or by these Rules, for doing anything shall fall on a day when the Office is not open or on a Saturday, which days shall be excluded days for the purposes of the Act and these Rules, it shall be lawful to do any such thing on the day next following such excluded day, or days if two or more of them occur consecutively.

Power to dis-
pense with
evidence,
signature, etc.

112. Where, under these Rules, any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the comptroller, or at the Office, and it is shown to the satisfaction of the comptroller that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or to make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the comptroller, with the sanction of the Board, and upon the production of such other evidence, and subject to such terms as he may think fit, to dispense with any such act or thing, document, declaration, or evidence.

APPLICATIONS TO AND ORDERS OF COURT.

Applications
to a Court.

113. Four clear days' notice of every application to the Court under sect. 72 of the Act for rectification of the register of patents shall be given to the comptroller.

Orders of
Court.

Where any Order has been made by the Court under the Act revoking a patent or extending the term of a patent, or allowing a patentee to amend his specification or affecting the validity or

proprietorship of a patent, the person in whose favour such Order has been made shall forthwith leave at the Office an office copy of such Order together with Patents Form No. 34. The specification shall thereupon be amended or the register rectified or the purport of such Order shall otherwise be duly entered in the register as the case may be.

REPEAL.

114. All general rules relative to Patents heretofore made by Repeal. the Board of Trade under the Patents, Designs, and Trade Marks Acts, 1883 to 1902, and in force on the 31st day of December, 1907, shall be and they are hereby repealed as from that date, without prejudice, nevertheless, to anything done under such rules, or to any application or other matter then pending.

Dated the 17th day of December, 1907.

D. Lloyd George,
President of the Board of Trade.

THE FIRST SCHEDULE.

LIST OF FEES PAYABLE IN RESPECT OF THE GRANT OF PATENTS AND OF OTHER MATTERS WITH RELATION THERETO.

	—	Corresponding Form.
	£ s. d.	
1. On application accompanied by provisional specification ...	1 0 0	Patents Form No. 1, 1A, 1B, or 1C.
2. On filing complete specification thereafter ...	3 0 0	Patents Form No. 3.
or		
3. On application accompanied by complete specification ...	4 0 0	" "
4. On appeal from Comptroller to Law Officer. By appellant ...	3 0 0	Patents Form No. 4.
5. For extension of time under Rule 16 :—		Patents Form No. 5.
Not exceeding one month ...	2 0 0	
" two months ...	4 0 0	" "
" three months ...	6 0 0	" "
6. For extension of time for leaving complete specification not exceeding one month	2 0 0	Patents Form No. 6.
7. For extension of time for acceptance of complete specification :—		
Not exceeding one month ...	2 0 0	Patents Form No. 7.
" two months ...	4 0 0	" "
" three months ...	6 0 0	" "

	—	Corresponding Form.
8. On notice of opposition to grant of patent. By opponent	£ s. d. 0 10 0	Patents Form No. 8.
9. On hearing by Comptroller. By applicant and by opponent respectively...	1 0 0	Patents Form No. 9.
10. On sealing of patent	1 0 0	Patents Form No. 10.
11. For extension of time for sealing of patent where period allowed for the sealing of the patent will expire after the com- mencement of the Act:— Not exceeding one month	2 0 0	Patents Form No. 11.
" two months...	4 0 0	" "
" three months ...	6 0 0	" "
12. For extension of time for sealing a patent, where period allowed for the sealing of the patent has expired before the com- mencement of the Act	10 0 0	Patents Form No. 12.
On certificate of renewal:—		
13. Before the expiration of the 4th year from the date of the patent and in respect of the 5th year	5 0 0	Patents Form No. 13.
14. Before the expiration of the 5th year from the date of the patent and in respect of the 6th year	6 0 0	" "
15. Before the expiration of the 6th year from the date of the patent and in respect of the 7th year	7 0 0	" "
16. Before the expiration of the 7th year from the date of the patent and in respect of the 8th year	8 0 0	" "
17. Before the expiration of the 8th year from the date of the patent and in respect of the 9th year	9 0 0	" "
18. Before the expiration of the 9th year from the date of the patent and in respect of the 10th year	10 0 0	" "
19. Before the expiration of the 10th year from the date of the patent and in respect of the 11th year	11 0 0	" "
20. Before the expiration of the 11th year from the date of the patent and in respect of the 12th year	12 0 0	" "
21. Before the expiration of the 12th year from the date of the patent and in respect of the 13th year	13 0 0	" "
22. Before the expiration of the 13th year from the date of the patent and in respect of the 14th year	14 0 0	" "
23. On enlargement of time for payment of renewal fees:— Not exceeding one month	1 0 0	Patents Form No. 14.
" two months	3 0 0	" "
" three months	5 0 0	" "

	—	Corresponding Form.
24. On application for restoration of a lapsed patent	£ s. d. 20 0 0	Patents Form No. 15.
25. On notice of opposition to application for restoration of lapsed patent	1 0 0	Patents Form No. 16.
26. On hearing by Comptroller. By applicant and opponent respectively	1 0 0	Patents Form No. 9.
27. On application to amend specification :— Up to sealing. By applicant	1 10 0	Patents Form No. 17.
After sealing. By patentee	3 0 0	" "
28. On notice of opposition to amendment. By opponent	0 10 0	Patents Form No. 18.
29. On hearing by Comptroller. By applicant and by opponent respectively	1 0 0	Patents Form No. 9.
30. On application to the Board of Trade for a compulsory license. By person applying	1 0 0	Patents Form No. 19.
31. On opposition to grant of compulsory license. By opponent	1 0 0	Patents Form No. 21.
32. On application to Comptroller to revoke a patent under Section 26	2 0 0	Patents Form No. 22.
33. On hearing by Comptroller. By applicant and by patentee respectively	2 0 0	Patents Form No. 9.
34. On offer to surrender a patent under Section 26	1 0 0	Patents Form No. 23.
35. On hearing by Comptroller. By applicant and by opponent respectively... ..	1 0 0	Patents Form No. 9.
36. On application under Section 27 to Comptroller to revoke a patent worked outside the United Kingdom	2 0 0	Patents Form No. 24.
37. On hearing by Comptroller. By applicant and by patentee respectively	2 0 0	Patents Form No. 9.
38. For altering name or address or address for service in register	0 5 0	Patents Form No. 25.
39. For entry of two addresses for service in register	0 5 0	Patents Form No. 26.
40. On request to enter name of subsequent proprietor in the register of patents	0 10 0	Patents Form No. 27.
41. On request to enter notice of interest in the register of patents	0 10 0	Patents Form No. 28.

	£	s.	d.	Corresponding Form.
42. On request to enter notification of a document in the register of patents ...	0	10	0	Patents Form No. 29.
43. On request to Comptroller to correct a clerical error :—				
Up to sealing	0	5	0	Patents Form No. 30.
After sealing	1	0	0	„ „
44. For certificate of Comptroller under Section 78	0	5	0	Patents Form No. 31.
45. For duplicate of letters patent	2	0	0	Patents Form No. 32.
46. On notice to Comptroller of intended exhibition of an invention under Section 45	0	10	0	Patents Form No. 33.
47. On notice of Order of Court for amendment of specification or rectification of register	0	10	0	Patents Form No. 34.
48. On postal request for printed specification	0	0	8	Patents Form No. 35.
49. Search or inspection fee	0	1	0	
50. For office copies ... every 100 words (but never less than one shilling)	0	0	4	
51. For office copies of drawings, cost according to agreement.				
52. For certifying office copies, MSS. or printed each	0	1	0	

President of the Board of Trade.

Dated the 17th day of December, 1907.

Approved :

Joseph A. Pease. }
T. H. Whitley. }

Lords Commissioners of
His Majesty's Treasury.

THE SECOND SCHEDULE.

FORMS.	Page.	Corresponding Fee.
Patents Form No. 1.—Application for Patent ...	151	£1
„ No. 1A.—Application for Patent communicated from abroad	153	£1
„ No. 1B.—Application for Patent under International and Colonial arrangements	155	£1
„ No. 1c.—Application for Patent of Addition	157	£1
„ No. 1D.—Application for Secret Patent	159	—
„ No. 2.—Provisional Specification	161	—
„ No. 3.—Complete „	162	£3
„ No. 4.—Appeal to Law Officer	163	£3
„ No. 5.—Application for extension of Time under Rule 16	164	£2, £4, or £6
„ No. 6.—Application for extension of Time for leaving Complete Specification	165	£2
„ No. 7.—Application for extension of Time for acceptance of Complete Specification	166	£9, £4, or £6
„ No. 8.—Opposition to Grant of Patent	167	10s.
„ No. 9.—Notice that Hearing will be attended	168	£1 or £2
„ No. 10.—Notice of Desire to have Patent sealed	169	£1
„ No. 11.—Application for extension of Time for sealing of Patent, where period allowed for sealing of Patent will expire after commencement of Act	170	£2, £4, or £6
„ No. 12.—Application where period allowed for the Sealing of the Patent has expired before the commencement of the Act	171	£10
„ No. 13.—Application for Certificate of Payment or Renewal	172	£5 to £14
„ No. 14.—Application for Enlargement of Time for Payment of Renewal Fee	173	£1, £3, or £5
„ No. 15.—Application for restoration of a lapsed Patent	174	£20
„ No. 16.—Notice of opposition to an application for restoration of a lapsed Patent	175	£1
„ No. 17.—Application to amend Specification	176	£1 10s. or £3
„ No. 18.—Opposition to Amendment of Specification	177	10s.

FORMS.	Page.	Corresponding Fee.
Patents Form No. 19.—Application for Grant of Compulsory Licence or Revocation of Patent ...	178	£1
„ No. 20.—Petition for Grant of Compulsory Licence or Revocation of Patent ...	179	—
„ No. 21.—Opposition to Petition for Grant of Compulsory Licence or Revocation of Patent ...	180	£1
„ No. 22.—Application to the comptroller for an Order for the Revocation of a Patent under sect. 26 of the Act	181	£2
„ No. 23.—Offer to Surrender a Patent	182	£1
„ No. 24.—Application for Revocation of a Patent under sect. 27 of the Act ...	183	£2
„ No. 25.—Notice of Alteration of Name or Address for Service in Register ...	184	5s.
„ No. 26.—Request to enter two Addresses for Service in Register ...	185	5s.
„ No. 27.—Request to enter Name upon the Register of Patents	186	10s.
„ No. 28.—Request to enter Notice of Interest in the Register ...	187	10s.
„ No. 29.—Request to enter Notification of Document in Register ...	188	10s.
„ No. 30.—Request for Correction of Clerical Error ...	189	5s. or £1
„ No. 31.—Request for Certificate of Comptroller ...	190	5s.
„ No. 32.—Application for Duplicate of Patent ...	191	£2
„ No. 33.—Notice of Intended Exhibition of Unpatented Invention ...	192	10s.
„ No. 34.—Application for Entry of Order of Court ...	193	10s.
„ No. 35.—On postal request for printed Specification ...	194	8d.

PATENTS FORM NO. 1.

PATENT.

£1.

PATENTS AND DESIGNS ACT, 1907.

(To be accompanied by two copies of Patents Form No. 2 or of Patents Form No. 3.)

APPLICATION FOR PATENT.

(a) Here insert
(in full) name,
address, and call-
ing of applicant
or applicants.

(a) I (or we) _____

do hereby

declare that I am (or we are) in possession of an invention the title of which

(b) Here insert is (b)
title of inven-
tion.

(c) In the case
of more than one
applicant, state
here who is or are
the inventor or
inventors.

that (c) _____
claim to be the true and first inventor _____ thereof; and that the same is not
in use by any other person or persons to the best of my (or our) knowledge
and belief; and I (or we) humbly pray that a Patent may be granted to me
(or us) for the said invention.

Dated the _____ day of _____, 19 _____

(d) To be
signed by ap-
plicant or
applicants. In
the case of a
Firm, each
member of the
Firm must
sign.

(d) _____

NOTE.—One of the two forms on the back hereof or a separate authoriza-
tion of agent should be signed by the applicant or applicants.

To the Comptroller,
The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

(1.) *Where application is made through an Agent (Rule 9).*

I (or we) hereby appoint _____
 of _____
 to act as my (or our) Agent in respect of the within application for a Patent,
 and request that all notices, requisitions, and communications relating thereto
 may be sent to such Agent at the above address.

Dated the _____ day of _____, 19 _____

* To be signed
 by applicant or
 applicants.

* _____

(2.) *Where application is made without an Agent (Rule 8).*

I (or we) hereby request that all notices, requisitions, and communications
 in respect of the within application may be sent to
 _____ at _____

Dated the _____ day of _____, 19 _____

† To be signed
 by applicant or
 applicants.

† _____

PATENTS FORM No. 1A.

PATENT.

£1.

PATENTS AND DESIGNS ACT, 1907.

*(To be accompanied by two copies of Patents Form No. 2 or of Patents Form No. 3.)***APPLICATION FOR PATENT FOR INVENTION COMMUNICATED FROM ABROAD.**

(a) Here insert
(in full) name,
address, and call-
ing of applicant
or applicants.

(a) I (or we) _____

of _____

_____ do hereby declare

that I am (or we are) in possession of an invention the title of which is

(b) Here insert
title of inven-
tion.

(b) _____

(c) Here insert
name, address,
and calling of
communicator.

which invention has been communicated to me (or us) by (c) _____

that I (or we) claim to be the true and first inventor thereof; and that the same is not in use within the United Kingdom of Great Britain and Ireland and the Isle of Man by any other person or persons to the best of my (or our) knowledge and belief; and I (or we) humbly pray that a Patent may be granted to me (or us) for the said invention.

Dated the _____ day of _____, 19 _____

(d) To be
signed by ap-
plicant or
applicants.

(d) _____

NOTE.—One of the two forms on the back hereof or a separate authorization of agent should be signed by the applicant or applicants.

*To the Comptroller,**The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

(1) *Where application is made through an Agent (Rule 9).*

I (or we) hereby appoint _____
 of _____

to act as my (or our) Agent in respect of the within application for a Patent,
 and request that all notices, requisitions, and communications relating thereto
 may be sent to such Agent at the above address.

Dated the _____ day of _____, 19 _____

* To be signed
 by applicant
 or applicants.

* _____

(2) *Where application is made without an Agent (Rule 8).*

I (or we) hereby request that all notices, requisitions, and communications
 in respect of the within application may be sent to _____

_____ at _____

Dated the _____ day of _____, 19 _____

† To be signed
 by applicant
 or applicants.

† _____

PATENTS FORM NO. 1B.

PATENT.

£1.

PATENTS AND DESIGNS ACT, 1907.

(To be accompanied by two copies of Patents Form No. 3.)

APPLICATION FOR PATENT UNDER INTERNATIONAL
AND COLONIAL ARRANGEMENTS.

(a) Here insert
(in full) name,
address, and call-
ing of applicant
or applicants.

(a) I (or we)

do hereby declare that I (or we) have made applications for protection of my

(b) Here insert (or our) invention of (b)
title of inven-
tion.

(c) Here insert in the following Foreign States and on the following official dates, viz.: (c)
the name of
each Foreign
State, followed
by the official
date of the
application in
each respectively.

and in the following British Possessions and on the following official dates

(d) Here insert viz.: (d)
the name of each
British Posses-
sion, followed by
the official date
of the application
in each respec-
tively.

That the said invention was not in use within the United Kingdom of
Great Britain and Ireland and the Isle of Man by any other person or persons
before the (e)

(e) Here insert
the official date
of the earliest
foreign appli-
cation.

to the best of my (or our) knowledge, information, and belief, and I (or we)
humbly pray that a patent may be granted to me (or us) for the said inven-
tion in priority to other applicants, and that such patent shall have the date (f)

(f) Here in-
sert the official
date of the
earliest foreign
application.

(g) Signature
of applicant or
of each of the
applicants.

(g)

NOTE.—One of the two forms on the back hereof or a separate authoriza-
tion of agent should be signed by the applicant or applicants.

To the Comptroller,

The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

(1) *Where application is made through an Agent (Rule 9).*

I (or we) hereby appoint _____
 of _____
 to act as my (or our) Agent in respect of the within application for a Patent,
 and request that all notices, requisitions, and communications relating thereto
 may be sent to such Agent at the above address.

Dated the _____ day of _____, 19____

* To be signed
 by applicant or
 applicants.

* _____

(2) *Where application is made without an Agent (Rule 8).*

I (or we) hereby request that all notices, requisitions, and communications
 in respect of the within application may be sent to _____

_____ at _____

Dated the _____ day of _____, 19____

† To be signed
 by applicant or
 applicants.

† _____

PATENTS FORM NO. 1C.

PATENT.

£1.

PATENTS AND DESIGNS ACT, 1907.

(To be accompanied by two copies of Patents Form No. 2 or of Patents Form No. 3.)

APPLICATION FOR PATENT OF ADDITION.

(a) Here insert
(in full) name,
address, and call-
ing of applicant
or applicants.

(a) I (or we), _____

_____, do hereby
declare that I am (or we are) in possession of an invention the title of which

(b) Here insert
title of inven-
tion.

is (b) _____

(c) In the case
of more than one
applicant, state
here who is or
are the inventor
or inventors.

that (c) _____ claim to be the
true and first inventor _____ thereof; that the same is not in use by any other
person or persons to the best of my (or our) knowledge and belief, and that
the said invention is an improvement in or modification of my (or our) inven-
tion for which a patent was applied for on the _____, and numbered _____,
[for which I was the applicant—] [of which I am the patentee—];
and I (or we) humbly pray that a patent may be granted to me (or us) for
the said invention, and request that the term limited in such further patent
for the duration thereof be the same as that of the original patent, or so
much of that term as is unexpired.

Dated the _____ day of _____, 19 _____.

(d) To be
signed by appli-
cant or appli-
cants. In the
case of a Firm,
each member of
the Firm must
sign.

(d) _____

NOTE.—One of the two forms on the back hereof, or a separate authoriza-
tion of agent, should be signed by the applicant or applicants.

To the Comptroller,

The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

(1) *Where application is made through an Agent (Rule 9).*

I (or we) hereby appoint _____
 of _____
 to act as my (or our) Agent in respect of the within application for a Patent,
 and request that all notices, requisitions, and communications relating thereto
 may be sent to such Agent _____ at the above address.

Dated the _____ day of _____, 19____.

* _____

* To be signed
 by applicant or
 applicants.

(2) *Where application is made without an Agent (Rule 8).*

I (or we) hereby request that all notices, requisitions, and communica-
 tions in respect of the within application may be sent to _____
 at _____

Dated the _____ day of _____, 19____.

† _____

† To be signed
 by applicant or
 applicants.

PATENTS FORM NO. 1D.

PATENTS AND DESIGNS ACT, 1907.

(To be accompanied by two copies of Patents Form No. 2 or of Patents Form No. 3, and a certificate under Sect. 30 (3)).

APPLICATION FOR A SECRET PATENT.

(a) Here insert
(in full) name,
address, and call-
ing of applicant
or applicants.

(a) I (or we) _____

_____, do hereby
declare that I am (or we are) in possession of an invention the title of
which is (b) _____

(b) Here insert
title of inven-
tion.

(c) In the case
of more than
one applicant,
state here who is
or are the inventor
or inventors.

that (c) _____
claim to be the true and first inventor _____ thereof; and that the same is not
in use by any other person or persons to the best of my (or our) knowledge
and belief; and I (or we) humbly pray that a secret patent may be granted
to me (or us) for the said invention.

Dated the _____ day of _____, 19 _____.

(d) To be
signed by appli-
cant or appli-
cants. In the
case of a Firm,
each member of
the Firm must
sign.

(d) _____

NOTE.—One of the two forms on the back hereof, or a separate authoriza-
tion of agent, should be signed by the applicant or applicants.

To the Comptroller,

The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

(1) *Where application is made through an Agent (Rule 9).*

I (or we) hereby appoint _____
 of _____
 to act as my (or our) Agent in respect of the within application for a Patent,
 and request that all notices, requisitions, and communications relating thereto
 may be sent to such Agent _____ at the above address.

Dated the _____ day of _____, 19____.

* To be signed
 by applicant or
 applicants.

* _____

(2) *Where application is made without an Agent (Rule 8).*

I (or we) hereby request that all notices, requisitions, and communications
 in respect of the within application may be sent to _____
 at _____

Dated the _____ day of _____, 19____.

† To be signed
 by applicant or
 applicants.

† _____

PATENTS FORM NO. 2.

To be issued with Patents Forms Nos. 1, 1A, 1C or 1D.

PATENTS AND DESIGNS ACT, 1907.

PROVISIONAL SPECIFICATION.(To be furnished in Duplicate.)

(a) Here insert
title verbally
agreeing with
that in the ap-
plication form.

(a) _____

(b) Here insert
(*in full*) name,
address, and call-
ing of applicant
or applicants as
in application
form.

(b) (I or we) _____

(c) Here begin description of the nature of the invention. The continua-
tion of the specification should be upon wide-ruled paper of the same size, on one side only, with a margin of one inch and a half on the left hand part of the paper. The specification and the duplicate thereof must be signed at the end, and dated (thus):

do hereby declare the nature of this invention to be as follows:—(c)

PATENTS FORM No. 3.

PATENTS AND DESIGNS ACT, 1907.

PATENT.

£3.

Where provisional specification or specifications have been left, quote No. or Nos., and date or dates.

No. _____

Date _____

COMPLETE SPECIFICATION.

(To be furnished in Duplicate—one unstamped.)

(a) Here insert title verbally agreeing with that in the application form.

(a) _____

(b) Here insert (in full) name, address, and calling of applicant or applicants as in application form.

(b) I (or we) _____

do hereby declare the nature of this invention and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement:

(c) Here begin full description of invention. The continuation of the specification should be upon wide-ruled paper of the same size, on one side only, with a margin of one inch and a half on the left hand part of the paper. The completion of the description should be followed by the words: "Having now particularly described and ascertained the nature of my (or our) said invention and in what manner the same is to be performed, I (or we) declare that what I (or we) claim is: " after which should be written the claim or claims numbered consecutively. The specification and the duplicate thereof must be signed at the end and dated (thus): "Dated the _____ day of _____, 19 ____"

(c) _____

NOTE.—In the preparation of the claim or claims careful attention should be paid to the terms of Rule 14 of the Patents Rules, 1908. Any unnecessary multiplicity of claims or prolixity of language should be avoided.

"Dated the _____ day of _____, 19 ____"

PATENTS FORM No. 4.

PATENT.

£3.

PATENTS AND DESIGNS ACT, 1907.

FORM OF APPEAL TO LAW OFFICER.

(a) Here insert
(*in full*) name
and address of
appellant or
appellants.

(a) I (or we) _____

hereby give notice of my (or our) intention to appeal to the Law Officer

(b) Here insert
"the decision"
or "that part of
the decision," as
the case may be.

from (b) _____

of the _____ of the _____ day of _____

(c) Here insert 19
"refused [or
allowed] applica-
tion for Patent,"
or "refused [or
allowed] applica-
tion for leave to
amend Patent,"
or otherwise, as
the case may be.

whereby he (c) _____

No (d) _____ of the year 1 (d) _____

(d) Insert
number and year.

Signature _____

Date _____

NOTE.—This notice must be sent to the Comptroller-General at the Patent Office, London, W.C., and an unstamped copy of the same to the Law Officers' Clerk at Room 549, Royal Courts of Justice, London.

PATENTS FORM NO. 5.

PATENTS AND DESIGNS ACT, 1907.

PATENT.

£2, £4, or £6.

FORM OF APPLICATION FOR EXTENSION OF TIME
FOR LEAVING COPY OR COPIES OF THE FOREIGN
SPECIFICATION OR SPECIFICATIONS, DRAWINGS
OR DOCUMENTS UNDER RULE 16.

I (or we) hereby apply for _____ month extension of time
for leaving copy or copies of the foreign specification or specifications,
drawings or documents under Rule 16 in respect of application No. _____
dated _____

(a) _____

(a) To be
signed by ap-
plicant or appli-
cants or his or
their agent.

To the Comptroller,

The Patent Office, 25, Southampton Buildings,

Chancery Lane, London, W.C.

PATENTS FORM NO. 6.

PATENT.

£2.

PATENTS AND DESIGNS ACT, 1907.

FORM OF APPLICATION FOR EXTENSION OF TIME
FOR LEAVING A COMPLETE SPECIFICATION,

I (or we) hereby, in respect of application No. _____
dated _____, apply for one month's extension of time
in which to leave a Complete Specification.

(a) To be
signed by ap-
plicant or ap-
plicants or his or
their agent.

(a) _____

To the Comptroller,

The Patent Office, 25, Southampton Buildings,

Chancery Lane, London, W.C.

PATENTS FORM No. 7.

PATENT.

£2, £4, or £6.

PATENTS AND DESIGNS ACT, 1907.

**FORM OF APPLICATION FOR EXTENSION OF TIME FOR
ACCEPTANCE OF A COMPLETE SPECIFICATION.**

I (or we) hereby apply for _____ month _____ extension of time
for the acceptance of the Complete Specification upon application No _____
dated _____

(a) To be
signed by ap-
plicant or appli-
cants or his or
their agent.

(a) _____

To the Comptroller,

*The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS FORM NO. 8.

PATENT.

10s.

PATENTS AND DESIGNS ACT, 1907.

FORM OF OPPOSITION TO GRANT OF PATENT.

[To be accompanied by an unstamped copy.]

*I (or we) _____

* Here state:
(in full) name
and address.

hereby give notice of my (or our) intention to oppose the grant of Letters
Patent upon application No. _____ of _____, applied for by

upon the ground† _____

† Here state
upon which of
the grounds of
opposition per-
mitted by section
11 of the Act the
grant is opposed.
Where the ground
or one of the
grounds of oppo-
sition is that the
invention has
been claimed in
any complete
specification
which is or will
be of a prior date,
the number and
date of such prior
specification
should be stated.
Where the
person giving
notice of an oppo-
sition does not
desire that the
patent should be
refused, but
merely that the
specification
should be
amended by
disclaimer or
limitation, it is
desirable that the
notice of oppo-
sition should be
accompanied or
supplemented as
soon as may be
by a written
statement to that
effect indicating
so far as can
conveniently be done the general nature of the amendments desired and the portions of the earlier specifications
if any relied upon as necessitating such amendments.

My (or our) address for service in the United Kingdom is:—

†

† To be signed
by opponent
opponents.

To the Comptroller,

The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS FORM NO. 9.

PATENT.

£1 or £2.

PATENTS AND DESIGNS ACT, 1907.

FORM OF NOTICE THAT HEARING OF OPPOSITION
BEFORE THE COMPTROLLER WILL BE ATTENDED.

(a) Here insert
(in full) name
and address.

(a) I (or we) _____

hereby give notice that the hearing in reference to _____

_____ will be attended by myself (or ourselves) or by some

person on my (or our) behalf.

(b) Signature.

(b) _____

*To the Comptroller,**The Patent Office, 25, Southampton Buildings,**Chancery Lane, London, W.C.*

PATENTS FORM No. 10.

PATENT.

£1.

PATENTS AND DESIGNS ACT, 1907.

**FORM OF NOTICE OF DESIRE TO HAVE PATENT
SEALED.**

(a) Here insert
name of applicant
or applicants.

(a) I (or we)
Application No.

desire to have a patent sealed on my (or our)

of 19 , and I (or we) hereby transmit the
prescribed fee on sealing, and request that the following may be entered on
the Register as my (or our) address for service :—

(b) Signature
of applicant or
applicants or his
or their agent.

(b) _____

To the Comptroller,

The Patent Office, 25, Southampton Buildings,

Chancery Lane, London, W.C.

PATENTS FORM No. 11.

PATENTS AND DESIGNS ACT, 1907.

PATENT.

£2, £4, or £6.

**FORM OF APPLICATION FOR EXTENSION OF TIME FOR
THE SEALING OF A PATENT WHERE THE PERIOD
ALLOWED FOR THE SEALING OF THE PATENT WILL
EXPIRE AFTER THE COMMENCEMENT OF THE ACT.**

I (or we) hereby apply for _____ month's extension of time for the
sealing of a patent upon Application No. _____, dated _____

The circumstances and grounds upon which this extension is applied for
are as follows (a):—

(a) The cir-
cumstances and
grounds must be
stated in detail.

(b) To be
signed by the
applicant or ap-
plicants, or his
or their agent.

(b) _____

*To the Comptroller,
The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS FORM No. 12.

PATENT.

£10.

PATENTS AND DESIGNS ACT, 1907.

**FORM OF APPLICATION FOR EXTENSION OF TIME FOR
THE SEALING OF A PATENT WHERE THE PERIOD
ALLOWED FOR THE SEALING OF THE PATENT HAS
EXPIRED BEFORE THE COMMENCEMENT OF THE
ACT.**

I (or we) hereby apply for an extension of time not exceeding three months after the commencement of the Act for the sealing of a patent upon Application No. _____, dated _____.

The circumstances in and grounds upon which this extension is applied for are as follows (a) :—

(a) The circumstances and grounds must be stated in detail.

(b) To be signed by the applicant or applicants, or his or their agent.

(b) _____

To the Comptroller,

*The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS FORM No. 13.

PATENT.

£5 to £14.

[When stamped this Form must be sent at once to the Patent Office.]

PATENTS AND DESIGNS ACT, 1907.

APPLICATION FOR CERTIFICATE OF PAYMENT OR RENEWAL.

I (or we) hereby transmit the fee prescribed for the continuation in force

of * _____ Patent No. _____, of 1 _____ for a further period

* Here insert
name of patentee.

of _____.

It is requested that the address for service of the patentee in the United Kingdom shall be :—

Name† _____

Address _____

† Here insert
name and full
address to which
certificate is to
be sent.*To the Comptroller,**The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

[This part of the Form to be filled in at the Patent Office.]

CERTIFICATE OF PAYMENT OR RENEWAL.

Letters Patent No. _____ of 1 _____

This is to certify that _____ did this _____ day

of _____ 19____, make the prescribed payment of £ _____

in respect of a period of _____ from _____ and that by virtue

of such payment the rights of the patentee remain in force.*

* See section 17
of the Patents
and Designs
Act, 1907.

Seal.

The Patent Office, London.

PATENTS FORM No. 14.

<p>PATENT. £1, £3, or £5.</p>

PATENTS AND DESIGNS ACT, 1907.

FORM OF APPLICATION FOR ENLARGEMENT OF TIME
FOR PAYMENT OF RENEWAL FEE.

I (or we) hereby apply for an enlargement of time for _____ month in
which to make the _____ payment of _____
upon my (or our) Patent, No. _____ of 1

(b) Here insert
name and full
address to which
receipt is to be
sent.

(b) _____

*To the Comptroller,
The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS FORM No. 15.

PATENT.

£20.

PATENTS AND DESIGNS ACT, 1907.

**FORM OF APPLICATION FOR THE RESTORATION OF A
LAPSED PATENT UNDER SECTION 20 OF THE ACT.**

I (or we) hereby apply for an Order of the Comptroller for the restoration of the patent granted upon Application No. _____ dated _____.

The circumstances which have led to the omission of the payment of the fee of (a) _____ on or

(a) State amount of fee.

(b) State last day when fee was due.

(c) The circumstances must be stated in detail.

before the (b) _____ are as follows:—(c) _____

(d) To be signed by the applicant or applicants.

(d) _____

To the Comptroller,

The Patent Office, 25, Southampton Buildings, .

Chancery Lane, London, W.C.

PATENTS FORM No. 16.

PATENT.

£ 1.

PATENTS AND DESIGNS ACT, 1907.

**FORM OF NOTICE OF OPPOSITION TO AN APPLICATION
FOR THE RESTORATION OF A LAPSED PATENT.**

[To be accompanied by an unstamped copy.]

* Here state
(in full) name
and address of
opponent or
opponents.

* I (or we) _____

hereby give notice of opposition to the application for restoration of the
patent granted upon application No. _____ dated _____

† Here state
reason of
opposition.

for the following reason:—† _____

My (or our) address for service in the United Kingdom is:— _____

† To be signed
by the opponent
or opponents.

† _____

To the Comptroller,
The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS FORM No. 17.

PATENT.

£1 10s. or £3.

PATENTS AND DESIGNS ACT, 1907.

FORM OF APPLICATION FOR AMENDMENT OF SPECIFICATION OTHERWISE THAN UNDER RULE 33.

* Here state
(*in full*) name,
and address of
applicant or
patentee.

* I (or we) _____

seek leave to amend the specification of Letters Patent No. _____
of 1 _____, as shown in red ink in the certified copy of the original specification hereunto annexed.

† These word
are to be struck
out when Letters
Patent have not
been sealed.

† I (or we) declare that no action for infringement or proceedings before
the Court for the revocation of the Letters Patent in question is pending.

‡ Here state
reasons for seek-
ing amendment;
and where the
applicant is not
the patentee,
state what in-
terest he pos-
sesses in the
Letters Patent

My (or our) reasons for making this amendment are as follows ‡ _____

My (or our) address for service in the United Kingdom is:—

§ _____

§ To be signed
by applicant or
patentee.

*To the Comptroller,
The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

N.B.—No amendment is permissible that would make the invention substantially larger or substantially different. *See* section 21 of the Act.

PATENTS FORM No. 18.

PATENTS AND DESIGNS ACT, 1907.

PATENT.

10s.

**FORM OF OPPOSITION TO AMENDMENT OF
SPECIFICATION.**

[To be accompanied by an unstamped copy.]

* Here state
(*in full*) name
and address of
opponent.

* I (or we) _____

† Here state
reason of
opposition.

hereby give notice of opposition to the proposed amendment of the specifica-
tion of Letters Patent No. _____ of 1 _____ for the following
reason: † _____

My address for service in the United Kingdom is:—

† To be signed
by opponent
or opponents.

To the Comptroller,
The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS FORM NO. 19.

PATENTS AND DESIGNS ACT, 1907.

PATENT.

£1.

**FORM OF APPLICATION FOR GRANT OF COMPULSORY
LICENCE OR REVOCATION OF PATENT UNDER SEC-
TION 24 OF THE ACT.**

[To be accompanied by an unstamped copy.]

* Here state
(*in full*) name
and address of
applicant or
applicants.

* I (or we) _____

hereby request you to bring to the notice of the Board of Trade the
accompanying petition for the grant of a licence to me (or us) by†

† Here state
name and address
of patentee, and
number and date
of his patent.

My (or our) address for service in the United Kingdom is :—

† To be signed
by applicant or
applicants.

NOTE.—The petition must clearly set forth the facts of the case and be
accompanied by an examined copy thereof. See Patents Form No. 20.

To the Comptroller,

The Patent Office, 25, Southampton Buildings,

Chancery Lane, London, W.C.

PATENTS FORM No. 20.

PATENTS AND DESIGNS ACT, 1907.

**FORM OF PETITION FOR GRANT OF COMPULSORY
LICENCE OR REVOCATION OF PATENT.**

(a) Here insert
(in full) name,
address, and
calling.

To the BOARD of TRADE.

(b) Here insert
title of invention.

THE PETITION of (a) _____ of _____
in the county of _____, being a person
interested in the matter of this petition as herein-after described:—

(c) Here state
fully the nature
of petitioner's
interest.

SHEWETH as follows:—

(d) Here state
fully in detail
the circumstances
of the case under
section 24 of the
Act, and show
that it arises by
reason of the
default of the
patentee, or as
the case may be,
of any other
person claiming
an interest in the
Patent as exclu-
sive licensee or
otherwise.

1. A patent dated _____ No. _____
was duly granted to
for an invention of (b)
2. The nature of my (or our) interest in the matter of this petition is as
follows:—(c)
3. (d)

The evidence (which I (or we) propose to leave at the Patent Office)
accompanying this petition is as follows:—(e)

(e) Here state
what affidavits or
statutory declara-
tions together
with any other
documentary evi-
dence will be left
at the Patent
Office with the
Petition, as re-
quired by Rule
69.

Having regard to the circumstances above stated, the petitioner alleges
that the reasonable requirements of the public with respect to the invention
patented as above stated have not been satisfied.

(f) Here state
the terms as to
the amount of
royalties, security
for payment, or
otherwise, upon
which the
petitioner claims
to be entitled
to the relief in
question.

Your petitioner therefore pray that an order may be
made granting to him (or them) a compulsory licence on
the terms following, viz.:—(f)

or in the alternative that the said patent may be revoked.

(g) Signature.

(g) _____

NOTE.—In pursuance of the requirements of Rule 69, the petitioner must
deliver to the patentee, and to any other person alleged to have made default,
copies of the petition and of the affidavits or statutory declarations and other
documentary evidence in support.

PATENTS FORM NO. 21.

PATENT.

£1.

PATENTS AND DESIGNS ACT, 1907.

**FORM OF OPPOSITION TO PETITION FOR GRANT OF
COMPULSORY LICENCE OR REVOCATION OF PATENT
UNDER SECTION 24.**

(a) Here state
(in full) name
and address of
opponent or
opponents.

(a) I (or we) _____

hereby give notice of opposition to the petition of _____

for the grant of a compulsory Licence under Patent No. _____ of 1 _____,
or in the alternative, for the revocation of the said patent. The grounds
upon which I (or we) oppose the said application are as follows, viz.:—(b)

(b) Here state
fully the grounds
of opposition.

(c) To be
signed by the
opponent or
opponents.

(c) _____

NOTE.—In pursuance of the requirements of Rule 70, copies of the affidavits or statutory declarations in reply to the evidence left with the petition must be delivered to the petitioner.

*To the Comptroller,
The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS FORM No. 22.

PATENT.

£2.

PATENTS AND DESIGNS ACT, 1907.

**FORM OF APPLICATION TO THE COMPTROLLER FOR
AN ORDER FOR THE REVOCATION OF A PATENT
UNDER SECTION 26 OF THE ACT.**

* Here state
(*in full*) name
and address of
applicant, or
applicants, for
revocation.

* I (or we) _____

hereby apply for an Order for the revocation of the patent granted upon
Application No. _____ dated _____

† The ground
or grounds of an
application for
revocation under
section 26 of the
Act must be any
one or more of
the grounds on
which the grant
of the patent
might have been
opposed. Where
the ground or one
of the grounds of
opposition is that
the invention
has been claimed
in any complete
specification
which is or will
be of a prior date,
the number and
date of such prior
specification
should be stated.

on the following grounds : † _____

No action ‡ for infringement or proceedings for the revocation of the
patent are pending.

‡ If such an
action is pending
in any Court the
application can-
not be made
without the leave
of the Court.

My (or our) address for service in the United Kingdom is : _____

§ To be signed
by the applicant,
or applicants, for
revocation.

§ _____

To the Comptroller,

*The Patent Office, 25 Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS FORM No. 23.

PATENT.

£1.

PATENTS AND DESIGNS ACT, 1907.

FORM OF OFFER TO SURRENDER A PATENT UNDER
SECTION 26 OF THE ACT.

* Here state
(in full) name
and address of
patentee or
patentees.

* I (or we) _____

hereby offer to surrender the patent granted upon Application No. _____

dated _____.

† If any action
or proceedings
are pending,
state what is
their nature.

No action † for infringement or proceedings for the revocation of the
patent are pending.

My (or our) reasons for making this offer are as follows: _____

My (or our) address for service in the United Kingdom is: _____

† _____

† To be signed
by the patentee
or patentees.

To the Comptroller,

The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS FORM No. 24.

PATENT.

£2.

PATENTS AND DESIGNS ACT, 1907.

**FORM OF APPLICATION FOR REVOCATION OF A
PATENT UNDER SECTION 27 OF THE ACT.**

* Here state
(*in full*) name
and address of
applicant, or
applicants, for
revocation.

* I (or we)

hereby apply for the revocation of Letters Patent No. _____ of 1 _____

on the ground that the patented article (or process) is manufactured [or
carried on] exclusively or mainly outside the United Kingdom.

My (or our) address for service in the United Kingdom is: _____

† To be signed
by applicant,
or applicants,
for revocation.

† _____

To the Comptroller,

Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS FORM No. 25.

PATENT.

5s.

PATENTS AND DESIGNS ACT, 1907.

FORM OF NOTICE FOR ALTERATION OF A NAME OR
AN ADDRESS OR AN ADDRESS FOR SERVICE IN
REGISTER OF PATENTS.

In the matter of Patent No. _____

of _____

(a) Here state
(in full) name or
names and ad-
dress of applicant
or applicants.

(a) I (or we) _____

hereby request that _____ address [or _____ address for service] now

(b) Here insert
full address.

upon the Register of Patents may be altered to (b) _____

(c) Signature
of applicant or
applicants.

(c) _____

To the Comptroller,

The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS FORM No. 26.

PATENT.

5s.

PATENTS AND DESIGNS ACT, 1907.

**FORM OF REQUEST FOR ENTRY OF TWO ADDRESSES
FOR SERVICE IN REGISTER OF PATENTS.**

In the matter of Patent No. _____

of _____

(a) Here state
(*in full*) name or
names and ad-
dress of applicant
or applicants.

(a) I (or we) _____

hereby request that the two following addresses for service may be entered
in the Register of Patents :—

(b) Here insert
full addresses.

(1) _____

(2) _____

*To the Comptroller,**The Patent Office, 25, Southampton Buildings,**Chancery Lane, London, W.C.*

PATENTS FORM No. 27.

PATENT.

10s.

PATENTS AND DESIGNS ACT, 1907.

FORM OF REQUEST TO ENTER NAME OF PROPRIETOR
UPON THE REGISTER OF PATENTS.

(a) Here insert
(in full) name,
address, and
calling.

(a) I (or we) _____

hereby request that you will enter my (or our) name (or names) in the
Register of Patents as proprietor of Patent No. _____ of 1 _____,

(b) Here give
name and address
of person to
whom patent was
granted.

(b) _____

(c) Here insert
title of the
invention.

(c) the title of which is _____

(d) Here specify the particulars of such document, giving its date, and the parties to the same, and showing how the claim here made is substantiated.

I (or we) claim to be so entitled by virtue of (d) _____

(e) Here insert
the nature of the
document.

And in proof whereof I (or we) transmit the accompanying (e) _____

_____ with an attested copy thereof.

My (or our) address for service in the United Kingdom is:—

(f) Signature.

(f) _____

(g) Here state
in what capacity
the signatory is
acting.

(g) _____

To the Comptroller,

The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS FORM No. 28.

PATENTS AND DESIGNS ACT, 1907.

PATENT.

10s.

**FORM OF REQUEST TO ENTER IN THE REGISTER OF
PATENTS A NOTICE OF AN INTEREST IN A PATENT.**

(a) I (or we) _____

(a) Here insert
(in full) name,
address, and
calling.hereby request that you will enter in the Register of Patents a notice of the
following interest in a patent :—

I (or we) claim to be entitled (b) _____

(b) Here insert
the nature of the
claim, whether
by way of
Mortgage Licence
or otherwise._____ to an interest in
Patent No. _____ of 1 _____, granted to (c) _____(c) Here give
name and address
of person to
whom patent was
granted.(d) Here insert
title of the
invention.

the title of which is (d) _____

(e) Here spe-
cify the particu-
lars of such
document, giving
its date, and
the parties to
the same, and
showing how the
claim here made
is substantiated.

by virtue of (e) _____

(f) Here in-
sert the nature
of the document.

And in proof whereof I (or we) transmit the accompanying (f) _____

_____ with an attested copy thereof.

My (or our) address for service in the United Kingdom is :—

(g) Signature.

(g) _____

(h) Here state
in what capacity
the signatory is
acting.

(h) _____

To the Comptroller,

The Patent Office, 25, Southampton Buildings,

Chancery Lane, London, W.C.

PATENTS FORM No. 29.

PATENTS AND DESIGNS ACT, 1907.

PATENT.

10s.

**FORM OF REQUEST TO ENTER NOTIFICATION OF
DOCUMENT IN THE REGISTER OF PATENTS.**

(a) Here insert
a description of
the nature of the
document, giving
its date and the
names and ad-
dresses of the
parties thereto.

I (or we) HEREBY transmit an attested copy of (a) _____

under Patent No. _____ of 1 _____, as well as the original document for
verification, and I (or we) have to request that a notification thereof may be
entered in the Register.

(b) Signature.

(b) _____

(c) Here insert
full address of
party benefiting
under the
document.

(c) _____

*To the Comptroller,
The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS FORM No. 30.

PATENTS AND DESIGNS ACT, 1907.

PATENT.

5s. or £1.

**FORM OF REQUEST FOR CORRECTION OF CLERICAL
ERROR.**(a) Or errors. I (or we) hereby request that the following clerical error (a) _____
_____(b) Here state in the (b) _____
whether in
application,
specification, or
register. No. _____ of 1 _____, may be corrected in the manner shown in red inkin the certified copy of the original (b) _____

hereunto annexed.

(c) Signature.

(c) _____

(d) Address
in full.(d) _____

*To the Comptroller,
The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS FORM No. 31.

PATENTS AND DESIGNS ACT, 1907.

PATENT.

£2.

REQUEST FOR CERTIFICATE OF COMPTROLLER.

In the matter of the Patent No. _____

of 1 _____

I (or we) _____

of _____

hereby request you to furnish me (or us) with your Certificate to the effect

(a) Here set
out the particu-
lars which the
comptroller is
requested to
certify.

that (a) _____

(b) Name and
full address to
which certificate
is to be sent.

(b) _____

Dated the _____ day of _____ 19 ____.

*To the Comptroller,**The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS FORM NO. 32.

PATENT.

£2.

PATENTS AND DESIGNS ACT, 1907.

APPLICATION FOR DUPLICATE OF PATENT.

Date

* Here insert
date, number,
full name, and
address of
grantee or
grantees.

I (or we) REGRET to have to inform you that the Patent dated *

No.

granted to

† Here insert
title of invention. for an invention the title of which is †

‡ Here insert
the word "de-
stroyed" or
"lost," as the
case may be, and
state, in full, the
circumstances of
the case, which
must be verified
by statutory
declaration.

has been ‡

§ Here state
interest possessed
by applicant, or
applicants, in
the Patent.

Patent. §

|| Signature of
patentee or
patentees.

|| _____

To the Comptroller,

*The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS FORM No. 33.

PATENT.

10s.

PATENTS AND DESIGNS ACT, 1907.

**NOTICE OF INTENDED EXHIBITION OF AN
UNPATENTED INVENTION.**

* Here state
(*in full*) name
and address of
applicant or
applicants.

* I (or we) _____

hereby give notice of my (or our) intention to exhibit a _____

of _____ at the _____

† State
"opened" or
"is to open."

Exhibition, which † _____ on the _____ day of _____ 19

under the provisions of the Patents and Designs Act, 1907.

‡ This descrip-
tion of inven-
tion should be
accompanied by
drawings if
necessary.

‡ I (or we) herewith enclose a brief description of my (or our) invention

§ _____

§ To be signed
by the applicant
or applicants.

*To the Comptroller,
The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS FORM No. 34.

PATENT.

10s.

PATENTS AND DESIGNS ACT, 1907.

**FORM OF APPLICATION FOR ENTRY OF ORDER OF
COURT IN REGISTER.**

(a) Here state
(*in full*) name
and address of
applicant or
applicants.

(a) I (or we)

(b) Here state
the purport of
the order.

hereby transmit an office copy of an Order of the Court with reference to (b)

(c) Signature.

(c)

To the Comptroller,

*The Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS FORM No. 35.

PATENTS AND DESIGNS ACT, 1907.

POSTAL REQUEST FOR PRINTED SPECIFICATION.

To the Comptroller-General.

Please send one copy of Specification, No. _____ Year _____
to

(Name in full) _____

(Address) _____

PATENTS,
7½d.

½d.

The Comptroller,

The Patent Office,

25, Southampton Buildings,

London, W.C

FORM A.

THE THIRD SCHEDULE.

FORM OF PATENT.

EDWARD VII., by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To all to whom these presents shall come greeting:

WHEREAS
hath declared that he is in possession of an invention for

that he claims to be the true and first inventor thereof, and that the same is not in use by any other person to the best of his knowledge and belief:

And whereas the said inventor hath humbly prayed that a patent might be granted unto him for the sole use and advantage of the said invention:

And whereas the said inventor (herein-after together with his executors, administrators, and assigns, or any of them, referred to as the said patentee) hath by and in his complete specification particularly described the nature of his invention:

And whereas We, being willing to encourage all inventions which may be for the public good, are graciously pleased to condescend to his request:

Know ye, therefore, that We of our especial grace, certain knowledge, and mere notions do by these presents, for us, our heirs and successors, give and grant unto the said patentee our especial licence, full power, sole privilege, and authority, that the said patentee by himself, his agents, or licensees, and no others, may at all times hereafter during the term of years herein mentioned, make, use, exercise, and vend the said invention within our United Kingdom of Great Britain and Ireland, and Isle of Man, in such manner as to him or them may seem meet, and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the term of fourteen years from the date hereunder written of these presents: And to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention, We do by these presents for us, our heirs and successors, strictly command all our subjects whatsoever within our United Kingdom of Great Britain and Ireland, and the Isle of Man, that they do not at any time during the continuance of the said term of fourteen years either directly or indirectly make use of or put in practice the said invention, or any part of the same, nor in anywise imitate the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof, without the consent, licence or agreement of the said patentee in writing under his hand and seal, on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt of this our Royal command, and of being answerable to the patentee according to law for his damages thereby occasioned:

Provided always that these letters patent shall be revocable on any of the grounds from time to time by law prescribed as grounds for revoking letters patent granted by Us, and the same may be revoked and made void accordingly: Provided also, that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these letters patent, or in respect of any matter relating thereto at the time or times, and in manner for the time being by law provided; and also if the said patentee shall not supply or cause to be supplied, for our service all such articles of the said invention as may be required by the officers or commissioners administering any department of our service in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled in manner for the time being

by law provided, then, and in any of the said cases, these our letters patent, and all privileges and advantages whatever hereby granted shall determine and become void notwithstanding anything herein-before contained: Provided also that nothing herein contained shall prevent the granting of licences in such manner and for such considerations as they may by law be granted: And lastly, We do by these presents for us, our heirs and successors grant unto the said patentee that these our letters patent shall be construed in the most beneficial sense for the advantage of the said patentee.

In witness whereof We have caused these our letters to be made patent and to be sealed as of the

one thousand nine hundred

and

* Here is to be inserted the name of the comptroller-general.

*

*Comptroller-General of Patents, Designs,
and Trade Marks.*



FORM B.

FORM OF PATENT OF ADDITION.

EDWARD VII., by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To all to whom these presents shall come greeting:

WHEREAS
hath declared that he is in possession of an invention for

that he claims to be the true and first inventor thereof, and that the same is not in use by any other person to the best of his knowledge and belief, and that the said invention is an improvement in or modification of his invention for which a patent was applied for on _____ and numbered _____ and on which a patent (hereinafter called the original patent) has been granted for which he was the applicant (or of which he is the patentee):

AND WHEREAS the said inventor hath humbly prayed that a patent might be granted unto him for the sole use and advantage of his said invention:

AND WHEREAS the said inventor (hereinafter together with his executors, administrators, and assigns, or any of them, referred to as the said patentee) hath by and in his complete specification particularly described the nature of his invention, and has requested that the term limited in such patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired:

AND WHEREAS We, being willing to encourage all inventions which may be for the public good, are graciously pleased to condescend to his request:

KNOW YE, THEREFORE, that We, of our especial grace, certain knowledge, and mere motion do by these presents, for us our heirs and successors, give and grant unto the said patentee our especial licence, full power, sole privilege, and authority, that the said patentee by himself, his agents, or licensees, and no others, may at all times hereafter during the term of years herein mentioned, make, use, exercise, and vend the said invention within our United Kingdom of Great Britain and Ireland, and Isle of Man, in such manner as to him or them may seem meet, and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by

reason of the said invention, during the term of fourteen years from the day of being the date of the said original patent No. , or so much of that term as is unexpired. AND to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention, We do by these presents for us, our heirs and successors, strictly command all our subjects whatsoever within our United Kingdom of Great Britain and Ireland, and the Isle of Man, that they do not at any time during the continuance of the said term either directly or indirectly make use of or put in practice the said invention, or any part of the same, nor in anywise imitate the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof, without the consent, licence or agreement of the said patentee in writing under his hand and seal, on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt of this our Royal command, and of being answerable to the patentee according to law for his damages thereby occasioned :

PROVIDED ALWAYS that these letters patent shall be revocable on any of the grounds from time to time by law prescribed as grounds for working letters patent granted by Us, and the same may be revoked and made void accordingly. PROVIDED ALSO, that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of the said original letters patent, or in respect of any matter relating thereto at the time or times, and in manner for the time being by law provided; and also if the said patentee shall not apply or cause to be supplied, for our service all such articles of the said invention as may be required by the officers or commissioners administering any department of our service in such manner, at such times, and at and upon reasonable prices and terms as shall be settled in manner for the time being by law provided, then, and in any of the said cases, these our letters patent, and all privileges and advantages whatever hereby granted shall determine and become void notwithstanding anything herein-before contained: PROVIDED ALSO that nothing herein contained shall prevent the granting of licences in such manner and for such considerations as they may by law be granted: AND lastly, We do by these presents for us, our heirs and successors, grant unto the said patentee that these our letters patent shall be construed in the most beneficial sense for the advantage of the said patentee.

IN WITNESS whereof We have caused these our letters to be made patent and to be sealed as of the one thousand nine hundred and

*



*Comptroller-General of Patents,
Designs, and Trade Marks.*

* Here is to be inserted the name of the comptroller-general.

Dated the 17th of December, 1907.

*D. Lloyd George.
President of the Board of Trade.*

RULES REGULATING THE PRACTICE AND PROCEDURE ON APPEALS TO THE LAW OFFICERS.

- Notice of appeal.** I. When any person intends to appeal to the law officer from a decision of the Comptroller in any case in which such appeal is given by the Act, he shall within 14 days from the date of the decision appealed against file in the Patent Office, a notice of such his intention.
- Requisites of notice of appeal.** II. Such notice shall state the nature of the decision appealed against, and whether the appeal is from the whole, or part only, and if so, what part of such decision.
- Copies of notice of appeal to be sent.** III. A copy of such notice of intention to appeal shall be sent by the party so intending to appeal to the Chief Clerk, Law Officers' Department, at Room 549, Royal Courts of Justice, London; and when there has been an opposition before the Comptroller, to the opponent or applicant as the case may be.
- Comptroller to transmit papers to law officers' clerk.** IV. Upon notice of appeal being filed, the Comptroller shall forthwith transmit to the Chief Clerk, Law Officers' Department, all the papers relating to the matter of the application in respect of which such appeal is made.
- Notice of appeal not given in specified time.** V. No appeal shall be entertained of which notice is not given within 14 days from the date of the decision appealed against, or such further time as the Comptroller may allow, except by special leave upon application to the law officer.
- Seven days' notice of hearing.** VI. Seven days' notice, at least, of the time and place appointed for the hearing of any appeal, shall be given by the Chief Clerk, Law Officers' Department, unless special leave be given by the law officer that any shorter notice be given.
- To whom notice of hearing is to be given.** VII. Such notice shall in all cases be given to the Comptroller and the appellant; and, when there has been an opposition before the Comptroller, to the opponent or applicant, as the case may be.
- Evidence.** VIII. The evidence used on appeal to the law officer shall be the same as that used at the hearing before the Comptroller; and no further evidence shall be given, except with the leave of the law officer upon application for that purpose.
- Cross-examination.** IX. The law officer shall at the request of either party, order the attendance at the hearing on appeal, for the purpose of being cross-examined, of any person, who has made a declaration, in the matter to which the appeal relates, unless in the opinion of the law officer, there is good ground for not making such order.
- Conduct money.** X. Any person requiring the attendance of a witness for cross-examination shall tender to the witness whose attendance is required a reasonable sum for conduct money.
- Amount of costs to be fixed.** XI. Where the law officer orders that costs shall be paid by any party to another, he may fix the amount of such costs, and if he shall not think fit to fix the amount thereof, he shall direct by

whom and in what manner the amount of such costs shall be ascertained.

XII. If any costs so ordered to be paid be not paid within 14 days after the amount thereof has been so fixed or ascertained or such shorter period as shall be directed by the law officer, the party to whom the costs are to be paid may apply to the law officer for an order for payment under the provisions of section 40 of the Act. Order for payment of costs.

XIII. All documentary evidence required, or allowed by the law officer to be filed, shall be subject to the same regulations, in all respects, as apply to the procedure before the Comptroller, and shall be filed in the Law Officers' Department, unless the law officer shall order to the contrary. Documentary evidence.

XIV. Any notice or other document required to be given to the Chief Clerk, Law Officers' Department, under these Rules, may be sent by a prepaid letter through the post. Sending notice or other documents by post.

John L. Walton,
Attorney-General.

W. S. Robson,
Solicitor-General.

Law Officers' Department,
11 December, 1907.

STATUTORY RULES AND ORDERS, 1908.

No. 951.

PATENTS.REGISTER OF PATENT AGENTS RULES, 1908. DATED
DECEMBER 17, 1907.

By virtue of the provisions of the Patents and Designs Act, 1907, hereinafter referred to as the Act, the Board of Trade, hereinafter referred to as the "Board," do hereby make the following Rules :—

1. These Rules may be cited as the Register of Patent Agents Rules, 1908.

Register to be
kept.

2. A Register of Patent Agents shall be kept by the Chartered Institute of Patent Agents (hereinafter called the Institute), subject to the provisions of these Rules and to the Orders of the Board, for the registration of patent agents in pursuance of Section 84 of the Act. The Register of Patent Agents existing at the commencement of the Act shall be incorporated with and form part of the Register of Patent Agents under the Act.

Contents of
Register.

3. The Register shall contain in one list all patent agents who are registered under the Act and these Rules.

Such list shall be made out according to the surnames of the registered persons, and shall also contain the full name of each registered person, with his address, the date of registration, and a mention of any honours, memberships, or other additions to the name of the registered person which the Council of the Institute may consider worthy of mention in the Register. The Register shall be in the Form 1 in Appendix A., with such variations as may be required.

Printed copies
to be published
annually, and
to be evidence
of contents of
Register.

4. The Institute shall cause a correct copy of the Register, but with the names arranged alphabetically, to be printed under their direction and published and placed on sale. Such correct copy shall be printed and published not later than the end of February in each year. A copy of the Register for the time being purporting to be so printed and published shall be admissible as evidence of all matters stated therein, and the absence of the name of any person from the Register shall be evidence, until the contrary is made to appear, that such person is not registered in pursuance of the Act or any Act repealed by the Act.

Registrar.

5. The Institute shall continue in office or appoint a Registrar, who shall keep the Register in accordance with the provisions of the Act and these Rules, and, subject thereto, shall act under the directions of the Institute, and the Board.

6. A person who is desirous of being registered in pursuance of the Act, on the ground that prior to the 24th day of December, 1888, he had been *bonâ fide* practising as a patent agent, shall produce or transmit to the Board a statutory declaration in the Form 2 in Appendix A.; provided that the Board may, in any case in which they shall think fit, require further or other proof that the person had prior to the passing of the Act been *bonâ fide* practising as a patent agent. Upon the receipt of such statutory declaration, or of such further or other proof to their satisfaction, as the case may be, the Board shall transmit to the Registrar a certificate that the person therein named is entitled to be registered in pursuance of the Act, and the Registrar shall on the receipt of such certificate cause the name of such person to be entered in the Register.

Registration of persons who were patent agents prior to the passing of this Act.

7. Subject to the provisions of the Act in favour of every person who proves to the satisfaction of the Board that prior to the 24th day of December, 1888, he had been *bonâ fide* practising as a patent agent, no person shall be entitled to be registered as a patent agent unless he has passed, and produces or transmits to the Registrar a certificate under the seal of the Institute that he has passed, such final examination as to his knowledge of patent law and practice and of the duties of a patent agent as the Institute shall from time to time prescribe.

Final qualifying examination for registration.

8. Any person who has been for at least five years engaged as a pupil or technical assistant to one or more registered patent agents, and any person for the time being entitled to practise as a Solicitor of the Supreme Court of Judicature in England or Ireland, or as a law agent before the Court of Session in Scotland, shall be entitled to be registered without passing any examination other than the final examination provided for in the last preceding Rule.

Exemption of pupils and assistants from preliminary examination.

9. Any person who is not qualified under Rule 8 must, in order to be entitled to present himself for the final qualifying examination, be—

Qualifications of persons generally for registration.

A person who has passed one of the preliminary examinations which the Institute shall by regulation prescribe.

10. The Institute shall hold at least once in every year, a final qualifying examination, which shall be the final qualifying examination required under Rules 7 and 8; and the Institute shall, subject to these Rules, have the entire management and control of all such examinations, and may from time to time make regulations with respect to all or any of the following matters, that is to say,

Final qualifying examinations to be held by the Institute.

- (a.) The subjects for and the mode of conducting the examination of candidates;
- (b.) The times and places of the examinations, and the notices to be given of the examinations;
- (c.) The certificates to be given to persons of their having passed the examinations;
- (d.) The appointment and removal of examiners, and the remuneration, by fees or otherwise, of the examiners so appointed; and
- (e.) Any other matter or thing as to which the Institute may think it necessary to make regulations for the purpose of carrying out this Rule.

Correction of names and addresses in Register.

Erasure of names of deceased persons. Erasure of names of persons who have ceased to practise.

Erasure of name for non-payment of fees.

Registrar to act on evidence.

Erasure of incorrect or fraudulent entries. Erasure of names of persons convicted of crimes, and persons found guilty of disgraceful conduct.

11. The Registrar shall from time to time insert in the Register any alteration which may come to his knowledge in the name and address of any person registered.

12. The Registrar shall erase from the Register the name of any registered person who is dead.

13. The Registrar may erase from the Register the name of any registered person who has ceased to practise as a patent agent, but not (save as hereinafter provided) without the consent of that person. For the purposes of this Rule the Registrar may send by post to a registered person to his registered address a notice inquiring whether or not he has ceased to practise or has changed his residence, and if the Registrar does not within three months after sending the notice receive an answer thereto from the said person, he may, within fourteen days after the expiration of the three months, send him by post to his registered address another notice referring to the first notice, and stating that no answer has been received by the Registrar; and if the Registrar either before the second notice is sent receives the first notice back from the dead letter office of the Postmaster-General, or receives the second notice back from that office, or does not within three months after sending the second notice receive any answer thereto from the said person, that person shall, for the purpose of this Rule, be deemed to have ceased to practise, and his name may be erased accordingly.

14. If any registered person shall not, within one month from the day on which his annual registration fee becomes payable, pay such fee, the Registrar may send to such registered person to his registered address a notice requiring him, on or before a day to be named in the notice, to pay his annual registration fee; and if such registered patent agent shall not within one month from the day named in such notice pay the registration fee so due from him, the Registrar may erase his name from the Register: Provided that the name of a person erased from the Register under this rule may be restored to the Register by direction of the Institute or the Board on payment by such person of the fee or fees due from him, together with such further sum of money, not exceeding in amount the annual registration fee, as the Institute or the Board (as the case may be) may in each particular case direct.

15. In the execution of his duties the Registrar shall, subject to these Rules, in each case act on such evidence as appears to him sufficient.

16. The Board may order the Registrar to erase from the Register any entry therein which is proved to their satisfaction to have been incorrectly or fraudulently inserted.

17. If any registered person shall be convicted in His Majesty's dominions or elsewhere of an offence which, if committed in England, would be a felony or misdemeanor, or after due inquiry, is proved to the satisfaction of the Board to have been guilty of disgraceful professional conduct, or having been entitled to practise as a Solicitor or Law Agent shall have ceased to be so entitled, the Board may order the Registrar to erase from the Register the name of such person. Provided that no person shall be adjudged by the Board to have been guilty of disgraceful professional

conduct unless such person has received notice of, and had an opportunity of defending himself from, any charge brought against him.

18. Where the Board direct the erasure from the Register of a name of any person, or of any other entry, the name of the person or the entry shall not be again entered in the Register, except by order of the Board. Restoration by Board of erased name.

The Board may in any case in which they think fit restore to the Register such name or entry erased therefrom either without fee, or on payment of such fee, not exceeding the registration fee, as the Board may from time to time fix, and the Registrar shall restore the name accordingly.

19. For the purpose of exercising in any case the powers of erasing from and of restoring to the Register the name of a person, or an entry, the Board may appoint a committee consisting of such persons as they shall think fit. Every application to the Board for the erasure from, or restoration to, the Register of the name of any patent agent shall be referred for hearing and inquiry to the committee, who shall report thereon to the Board, and a report of the committee shall be conclusive as to the facts for the purpose of the exercise of the said powers by the Board. Inquiry by Board of Trade before erasure of name from Register.

20. The name of any person erased from the Register at the request or with the consent of such person shall, unless it might, if not so erased, have been erased by order of the Board, be restored to the Register by the Registrar on his application and on payment of such fee, not exceeding the registration fee, as the Institute shall from time to time fix. Restoration by Institute of erased name.

21. Any person aggrieved by any order, direction, or refusal of the Institute or Registrar may appeal to the Board. Appeal to Board of Trade.

22. A person who intends to appeal to the Board under these Rules (in these Rules referred to as the appellant) shall, within 14 days from the date of the making or giving of the order, direction, or refusal complained of, leave at the office of the Institute a notice in writing signed by him of such his intention. Notice of appeal.

23. The notice of intention to appeal shall be accompanied by a statement in writing of the grounds of the appeal, and of the case of the appellant in support thereof. Case on appeal.

24. The appellant shall also immediately after leaving his notice of appeal at the Institute send by post a copy thereof with a copy of the appellant's case in support thereof addressed to the Secretary of the Board of Trade, 7, Whitehall Gardens, London. Transmission of notice of appeal to Board of Trade.

25. The Board may thereupon give such directions (if any) as they may think fit for the purpose of the hearing of the appeal. Directions as to hearing of appeal.

26. Seven days' notice, or such shorter notice as the Board may in any particular case direct, of the time and place appointed for the hearing of the appeal shall be given to the appellant and the Institute and the Registrar. Notice of hearing of appeal.

27. The appeal may be heard and decided by the Board, and such decision may be given or order made in reference to the subject-matter of the appeal as the case may require. Hearing and decision of appeal.

REGISTER OF PATENT AGENTS RULES, 1908. 205

FORM 2.

FORM OF STATUTORY DECLARATION.

PATENTS AND DESIGNS ACT, 1907.

Register of Patent Agents pursuant to Section 84.

I, *A.B.* [*insert full name, and in the case of a member of a firm add, "a member of the firm of* _____ *"], of* _____,

in the county of _____, Patent Agent, do solemnly and sincerely declare as follows:—

1. That prior to the 24th December, 1888, I had been *bonâ fide* practising in the United Kingdom as a patent agent.

2. That I acted as patent agent in obtaining the following patents:—

[*Give the official numbers and dates of some patents for the United Kingdom in the obtaining of which the declarant acted as patent agent.*]

3. That I desire to be registered as a patent agent in pursuance of the said Act.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, 1835.

Declared at _____

APPENDIX B.

FEES.

Nature of Fee.	When to be paid.	To whom to be paid.	Amount.
For registration of name of patent agent who had been <i>bonâ fide</i> in practice prior to the passing of the Act.	On application and before registration.	To the Registrar at the Institute.	£ s. d. 5 5 0
For registration of name of any person other than as above.	Do. do.	Do. do.	5 5 0
Annual fee to be paid by every registered patent agent.	On or before November 30th of each year, in respect of the year commencing January 1st following.	Do. do.	2 2 0
On entry of a candidate for the final qualifying examination.	At time of entering name.	Do. do.	2 2 0

Dated the 17th day of December, 1907.

D. Lloyd George.

President of the Board of Trade.

STATUTORY RULES AND ORDERS, 1907.

No. 949.

DESIGNS.

THE DESIGNS RULES, 1908. DATED DECEMBER 17, 1907.

By virtue of the provisions of the Patents and Designs Act, 1907, hereinafter referred to as "the Act," the Board of Trade do hereby make the following Rules :—

PRELIMINARY.

1. These Rules may be cited as the Designs Rules, 1908, and shall come into operation from and immediately after the 31st day of December, 1907.

INTERPRETATION.

Interpretation. 2. In the construction of these Rules any words herein used, the meaning of which is defined by the Act, shall have the meanings thereby assigned to them respectively.

"Agent" means an agent resident or having a place of business in the United Kingdom or the Isle of Man, duly authorised to the satisfaction of the comptroller.

"Office" means the Patent Office, Designs Branch, 25, Southampton Buildings, London, W.C.

"Journal" means the Illustrated Official Journal (Patents).

"Specimen" means an article of manufacture or a substance with the design applied to it.

"Lodged" means left at the Office or sent through the post by a prepaid letter addressed to the comptroller at the Office.

FEES.

Fees.

3. The fees to be paid in pursuance of the Act, so far as it relates to designs, shall be the fees specified in the First Schedule hereto.

FORMS.

4. The forms herein referred to are the forms contained in the Forms. Second Schedule hereto, and such forms shall be used in all cases to which they are applicable and shall be modified as directed by the comptroller to meet other cases.

SETS OF ARTICLES.

5. "Set" means a number of articles of the same general Sets of articles. character ordinarily on sale together, or intended to be used together, all bearing the same design with or without modifications not sufficient to alter the character or not substantially affecting the identity thereof.

Where there is any doubt whether given articles do or do not constitute a set, the doubt shall be determined by the comptroller.

CLASSIFICATION OF GOODS.

6. For the purposes of the registration of designs and of these Classification Rules, goods are classified in the manner appearing in the Third of goods. Schedule hereto.

If any doubt arises as to the class to which any particular description of goods belongs, it shall be determined by the comptroller.

DOCUMENTS.

7. Subject to any other directions that may be given by the Size, &c., of comptroller, all applications, notices, papers having representations documents. affixed, and other documents required by the Act or by these Rules to be lodged shall be upon strong paper, and, except where otherwise required, on one side only, of a size of approximately 13 inches by 8 inches, and having on the left-hand part thereof a margin of approximately two inches.

8. A document lodged by a firm or partnership may be signed Signature of in the firm's name or for and on behalf of the firm or partnership documents. by any one or more members thereof. A document lodged by a body corporate may be signed by a director or by the secretary or other principal officer of such body corporate.

9. Any application, statement, notice or other document Service of authorised or required to be lodged or to be left, made or given documents. with or to any person under the Act or these Rules may be sent through the post by a prepaid or official paid letter; any document so sent shall be deemed to have been delivered at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

ADDRESS.

Address.

10. Where any person is by the Act or these Rules bound to furnish the comptroller with an address, the following provisions shall apply :—

The address given shall in all cases be as full as possible, for the purpose of enabling any person easily to find the place of business of the person whose address is given.

When a person does not reside in a town with streets, the comptroller may require the address to include all indications which he thinks necessary for such purpose as far as it can be attained.

When an applicant resides in a town where there are streets, the address given shall include the name of the street and the number in the street or name of premises, if any.

Address for service.

11. Where a registered proprietor of a design lives out of the United Kingdom or the Isle of Man, he may furnish the comptroller on Form Designs No. 6 with an address for service within the United Kingdom, which shall be entered in the Register.

All notices and documents, which under these Rules are required to be sent to the registered proprietor, shall be deemed duly sent if sent to him at his registered address if that address be within the United Kingdom or the Isle of Man, or where the registered proprietor lives outside the United Kingdom, or the Isle of Man, to his address for service, if any, on the Register.

Where a registered proprietor lives out of the United Kingdom or the Isle of Man and has not furnished such address for service, the comptroller need not send to him any notice which under these Rules the comptroller is required to send.

Where an applicant lives out of the United Kingdom or the Isle of Man, he shall furnish the comptroller with an address for service within the United Kingdom, and until he does so the comptroller need not proceed with the examination of his application.

When such address for service is furnished it shall, on the registration of the design, be entered in the Register as the address for service of the proprietor.

AGENTS.

Agency.

12. An application for registration and all other communications between an applicant and the comptroller, or the Board of Trade, and between the registered proprietor of a design and the comptroller, or the Board of Trade, or any other person, may be made by or through an agent.

Any such applicant or proprietor may appoint an agent to represent him in the matter of the design by signing and sending to the comptroller an authority in writing to that effect in the Form Designs No 1, or in such other form as the comptroller may deem sufficient. In case any registered proprietor of a design shall appoint such an agent, service upon such agent of any document relating to such design shall be deemed to be service upon the person so appointing him, and all communications directed to be made to such person in respect of such design may be addressed to such agent.

The comptroller shall not be bound to recognise as an agent, or to receive further communications in respect of any business under the Act relating to designs from, any person whose name, by reason of his having been judged guilty of disgraceful professional conduct, has been erased from the register of patent agents kept under the provisions of the Act, and not since restored, or any person who is proved to the satisfaction of the Board of Trade, after being given an opportunity of being heard, to have been convicted of such an offence or to have been guilty of such misconduct as would have rendered him liable, if his name had been on the register of patent agents, to have his name erased therefrom, or any company, which if it had been an individual, the comptroller could refuse to recognise as agent, or any company or firm, if any person whom the comptroller could refuse to recognise as an agent acts as director or manager of the company or is a partner in the firm. In any particular case, the comptroller may, if he think fit, require the personal signature or presence of an applicant or other person.

APPLICATION FOR REGISTRATION.

13. An application for registration of a design shall be signed by the applicant for registration or by his agent. Signature of application.

14. Except as regards applications in Classes 13, 84, and 15, an application for registration of a design shall be lodged at the Office, and (except as regards applications for lace designs in Class 9) shall be on Form Designs No. 2, or in the case of a set on Form Designs No. 3. Form of application.

15. An application for registration of a lace design in Class 9 shall be on Form Designs No. 4, or in the case of a set on Form Designs No. 2. Lace designs.

16. On or after receipt of an application the comptroller shall furnish the applicant with an acknowledgment thereof. Acknowledgment of application.

17. An application shall state the class in which the design is to be registered, and where it is desired to register the same design in more than one class, a separate application shall be made in each class. In that case each application shall be numbered separately and shall be treated as a separate and distinct application. Class.

- Application of design. 18. Every application shall state the article or articles to which the design is to be applied and where the comptroller so requires, the applicant shall further state for what purpose the article to which the design is to be applied is used and the material or the predominating material of which the article is made.
- Statement of novelty. 19. The applicant may, and shall if required by the comptroller in any case so to do, indorse on the application a brief statement of the novelty he claims for his design, and where representations are furnished shall indorse each with such statement, if any.
- Representations. 20. Except as regards applications in Classes 10, 14, and 15, there shall be furnished in connection with an application for the registration of a design to be applied to a single article, three exactly similar drawings, photographs, tracings or other representations of the design, or three specimens.
- Representations for set, and in Classes 13, 14, and 15. 21. There shall be furnished in connection with an application for the registration of a design to be applied to a set, four exactly similar drawings, photographs, tracings or other representations of the design, or four specimens : in connection with an application in any one of the Classes 13, 14, and 15, there shall be furnished six such representations, or six specimens.
- Nature of representations. 22. Each representation of the design, or set of designs, must be upon paper of the prescribed size and not on cardboard, and must appear on one side only of the paper. The figure or figures must be placed in an upright position on the sheet. When more figures than one are shown, these should where possible be on one and the same sheet, and each should be designated on the sheet (*e.g.*, front view, side view).
- Drawings, &c., must be in ink. 23. When drawings or tracings are furnished, they must be in ink, and if on tracing cloth or tracing paper must be mounted on paper of the prescribed size.
- Representations for set. 24. When the design is to be applied to a set, each of the representations accompanying the application should show all the various arrangements in which it is proposed to apply the design to the articles included in the set.
- Special representations. 25. When the specimens are not, in the comptroller's opinion, of a kind which can be conveniently pasted into books, representations shall be furnished for insertion in the register and for official purposes.
- Words, &c., on designs. 26. Where words, letters or numerals are not of the essence of the design, they shall be removed from the representations or specimens.
- Repeat of pattern. 27. Each representation of a design which consists of a repeating surface pattern must show the complete pattern and a sufficient portion of the repeat in length and in width, and ought not to be of less size than 7 inches by 5 inches.
- Specimens of designs. 28. Where representations are supplied, the comptroller shall also be supplied, if in any case he so requires, with a specimen.

29. The comptroller shall be furnished with more representations or more specimens of any design if he requires them.

Additional representations or specimens.

30. Where the names or representations of living persons appear on a design, the comptroller shall, if he so require, be furnished with consents from such persons before proceeding to register the design. In the case of persons recently dead the comptroller may call for consents from their legal representatives before proceeding with registration of a design on which their names or representations appear.

Representations of living persons or persons recently dead.

PROCEDURE ON RECEIPT OF APPLICATION.

31. Upon receipt of an application for registration, the comptroller shall consider it, and if he thinks there is no objection to the design being registered, he may accept it.

Acceptance.

32. If after consideration of the application any objections appear, a statement of these objections shall be sent to the applicant in writing, and unless within one month the applicant applies for a hearing, he shall be deemed to have withdrawn his application.

Objections.

33. The decision of the comptroller at such hearing as aforesaid shall be communicated to the applicant in writing, and if he objects to such decision, he may within one month, should he consider it necessary for the purpose of appeal, apply upon Form Designs No. 7 requiring the comptroller to state in writing the grounds of his decision and the materials used by him in arriving at the same.

Decision of comptroller.

34. Upon receipt of such form the comptroller shall send to the applicant such statement as aforesaid in writing and the date when such statement is sent shall be deemed to be the date of the comptroller's decision for the purpose of appeal; but if the applicant does not apply for the grounds of the comptroller's decision, appeal shall be lodged within one month from the date of the decision.

Date for appeal.

NON-COMPLETION.

35. Where an application for registration of a design is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the comptroller shall give notice to the applicant in writing of such non-completion, and if the applicant has an agent, shall send a duplicate of such notice to such agent. If after fourteen days from the date when such notice was sent, the application is not completed, the application shall be deemed to be abandoned, but the comptroller may with such notice, where the applicant lives at such distance from the Office that he cannot reasonably be expected to do what is necessary within such fourteen days, give a further time after such fourteen days for the completion of such application.

Non-completion within 12 months.

DEATH OF APPLICANT.

Death of applicant before registration.

36. In case of the death of any applicant for the registration of a design after the date of his application, and before the design applied for has been entered in the Register, the comptroller may, on being satisfied of the applicant's death, enter in the Register, in place of the name of such deceased applicant, the name, address and description of the person owning the design, on such ownership being proved to the satisfaction of the comptroller.

EXTENSION OF PERIOD OF COPYRIGHT.

Extension of period of copyright.

37. At any time after the registration of a design, the period of copyright therein may be extended for a second period of five years if Form Designs No. 8 be lodged; but no period of copyright shall be extended unless an application for extension be lodged at least one week before the expiration of the original period of five years. Where a proprietor has more than one design copyright in which ceases at the same date, he may, in place of using a separate Form Designs No. 8 for each design, include all the designs in one Form, stamped with the total amount of the prescribed fees for such designs and so modified as to meet the circumstances of the case. Form Designs No. 8 shall be indorsed with the name and address of the person lodging the same.

Notice of extension.

38. On receipt of Form Designs No. 8, an entry of the extension of the period of copyright shall be made in the Register, and the comptroller shall send to the registered proprietor at his registered address or his address for service, a notice that the period of copyright has been extended for a further period of five years.

Second extension.

39. At any time not less than six months and not more than twelve months before the expiration of the second period of five years mentioned in sub-section 3 of section 53 of the Act, application may be made to the comptroller for a further extension of the period of copyright by lodging Form Designs No. 9.

Payment of extension fee.

40. If the comptroller grants the application, he shall send notice to the registered proprietor, who shall, at least one week before the expiration of the second period of five years, pay the prescribed fee by lodging Form Designs No. 10.

Notice of second extension.

41. Form Designs No. 10 shall be indorsed with the name and address of the person lodging the same, and on receipt thereof an entry of the further extension of the period of copyright shall be made in the Register, and a notice of such extension, as prescribed by Rule 38, shall be sent.

Advertisement of extension.

42. Upon an extension of the period of copyright, the extension shall be advertised in the Journal.

ASSIGNMENT, &c.

43. When a person becomes entitled as assignee, mortgagee, Joint request licensee, or otherwise to any interest in the copyright of a design, for entry of assignment, he may, conjointly with the registered proprietor, apply on Form &c. Designs No. 11 to have an entry of the fact made in the Register, and on receipt of such form the comptroller may make a note in the Register of such interest.

44. Where no such joint application is made, any person who has become entitled to an interest in the copyright of a design by assignment, mortgage, license, or otherwise, may apply for the entry of his name in the Register as proprietor of such interest in such copyright. The application shall be on Form Designs No. 13, and such application shall contain the name, address and description of the person claiming to be entitled (hereinafter called the claimant). Application for entry of assignment by subsequent proprietor.

45. Together with such application the claimant shall leave a Case accompanying application. case stating full particulars of the assignment, mortgage, license, instrument, or other mode of transfer by virtue of which he claims to be entitled to be entered in the Register, so as to show the manner in which, and the person or persons through whom, such interest has been acquired.

46. Where the comptroller shall determine that the case sets out particulars such as entitle the claimant to be entered in the Register, he may call upon the claimant to furnish a statutory declaration on Form Designs No. 14, verifying the several statements in the case and declaring that the particulars given comprise every material fact and document affecting the matter. Statutory declaration in support of such request.

47. In any case, the comptroller may call on any person who desires his name to be entered in the Register for such proof or additional proof of title as the comptroller may require for his satisfaction. Proof of title.

48. When the comptroller is satisfied that the claimant is entitled to the entry of his name, he shall make a note in the Register of such interest. Entry in the register.

49. Where the name of a person is entered on the Register as mortgagee or licensee, such person may, on lodging Form Designs No. 15, have a note entered in the Register that he no longer claims to be mortgagee or licensee, as the case may be. Removal of name.

ALTERATION OF ADDRESS.

50. Every registered proprietor of a design who alters his address or his address for service, shall forthwith apply to the comptroller on Form Designs No. 16, and the comptroller shall alter the Register accordingly. Alteration of address in register.

CORRECTION OF CLERICAL ERRORS.

- Correction by applicant. 51. Where an applicant desires to correct a clerical error in his application, he shall lodge a Form Designs No. 17.
- Correction by proprietor. 52. Where the registered proprietor of a design desires to correct a clerical error under section 70 of the Act, he shall lodge a Form Designs No. 17.

CANCELLATIONS.

- Cancellation of design. 53. Where the registered proprietor of a design desires to cancel his registration either wholly or in respect of any particular goods in connexion with which the design is registered, he shall lodge a Form Designs No. 18.
- Cancellation by trustee in bankruptcy, &c. 54. Cancellation may also be affected by the trustee in bankruptcy of the registered proprietor or where the registered proprietor is a company in liquidation by the liquidator or in any other case where the request is made by a person whom the comptroller may decide to be entitled to act in the name of the registered proprietor. In such cases Form Designs No. 18 shall be lodged, modified as the comptroller directs.

DISCRETIONARY POWER.

- Hearing. 55. Before exercising any discretionary power given to the comptroller by the Act adversely to any person, the comptroller shall, if so required, hear the person who will be affected by the exercise of such power.
- Application for hearing. 56. An application for a hearing shall be made within one month from the date when the matter on which the comptroller is called on to exercise discretionary power has arisen.
- Notice of hearing. 57. Upon receiving such application, the comptroller shall give the person applying ten days' notice of a time when he may be heard by himself or his agent.
- Within five days from the date when such notice would be delivered in the ordinary course of post, the person applying shall notify the comptroller whether or not he intends to be heard on the matter.
- Notification of decision. 58. The decision of the comptroller in the exercise of any such discretionary power, as aforesaid, shall be notified to the person affected.

SEARCHES.

- Search under Sec. 57. 59. Where any person desires to obtain the information which he is entitled to obtain under section 57 of the Act, and can furnish the registration number of the design, he shall lodge Form Designs No. 19, and the comptroller will thereafter furnish him with the information aforesaid.
- Where the applicant is unable to furnish the registration

number of the design, he shall lodge Form Designs No. 20 together with such information as he is in possession of, and the comptroller will thereupon make such search in the class indicated as may be possible on the information supplied, and will furnish such information as can be afforded. Where Form Designs No. 20 is accompanied by a representation or specimen of the design, such representation or specimen shall be furnished in duplicate.

60. The comptroller may, if Form Designs No. 21 be lodged, cause a search to be made among the registered designs and state whether, in his opinion, any design accompanying such form and to be applied to goods in any particular class is or is not identical with or an obvious imitation of any registered design applied to such goods of which the copyright is still existing. The design accompanying Form Designs No. 21 shall be furnished in duplicate. Search among registered designs.

HOURS OF INSPECTION.

61. The Office shall be open to the public every weekday, except Saturday, between the hours of ten and four, and on Saturday between the hours of ten and one, except on the days following :— Hours of inspection.

Christmas Day, Good Friday, the day observed as his Majesty's Birthday, the days observed as days of public fast or thanksgiving, or as holidays at the Bank of England, and days which may from time to time be notified by a placard posted in a conspicuous place at the Office.

POWER TO DISPENSE WITH EVIDENCE.

62. Where under these Rules any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or any body corporate, or any document or evidence is required to be produced to or left with the comptroller, or at the Office, and it is shown to the satisfaction of the comptroller that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the comptroller, and upon the production of such other evidence and subject to such terms as he may think fit, to dispense with any such act or thing, document, declaration, or evidence. Dispensing with evidence.

AMENDMENTS.

63. Any document or drawing or other representation of a design may be amended, and any irregularity in procedure, which in the opinion of the comptroller may be obviated without detriment to the interests of any person, may be corrected, if the comptroller think fit, and on such terms as he may direct. Amendments of documents.

ENLARGEMENT OF TIME.

Enlargement
of time.

64. The time prescribed by these Rules for doing any act, or taking any proceeding thereunder, may be enlarged by the comptroller if he think fit, and upon such notice to other parties, and proceedings thereon, and upon such terms, as he may direct, and such enlargement may be granted though the time has expired for doing such act or taking such proceeding.

Excluded
days.

65. Whenever the last day fixed by the Act or by these Rules for doing any thing shall fall on a day when the Office is not open, or on a Saturday, which days shall be excluded days for the purposes of the Act and these Rules, it shall be lawful to do any such act or thing on the day next following such excluded day, or days if two or more of them occur consecutively.

Fees paid late
by persons
living at
distances
from Office.

66. Where a time for paying a fee is limited by these Rules, and the person who is bound to pay such fee resides at such distance from the Office that he cannot reasonably be expected to pay the fee on the date limited by the Rule, the comptroller, if satisfied that the omission to pay the fee has not been from any want of diligence on the part of the person whose business it is to pay it, may accept the fee even though the date for paying the fee has passed, and treat it as if received on the correct date, provided always that the fee is actually paid with such promptitude as can be expected in the circumstances.

CERTIFICATE BY COMPTROLLER.

Certificate for
use in legal
proceedings
or other
purpose.

67. Where a certificate is required for the purpose of any legal proceeding, or other special purpose, as to any entry, matter, or thing which the comptroller is authorised by the Act or these Rules to make or do, the comptroller may, on the lodging of a Form Designs No. 22, give such certificate, which shall also specify on the face of it the purpose for which it has been issued as aforesaid.

MARKING OF ARTICLES.

Registration
mark.

68. Before delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall cause each such article to be marked with the word REGISTERED or with the abbreviation REGD or with the abbreviation RD, as he may choose, and also (except in the case of articles to which have been applied designs registered in Classes 9, 13, 14, and 15) with the number appearing on the certificate of registration.

REGISTER OF DESIGNS AND INSPECTION OF REGISTERED DESIGNS.

69. Where a design is accepted, there shall be entered in the Register a representation or specimen of the design, the calling or description of the proprietor, the date of the application, and such other particulars as the comptroller may deem necessary. Registering design.

The period under section 56 of the Act during which a design shall not be open to inspection, except as provided in that section, shall be, as regards designs in Classes 13, 14, and 15, five years, and, as regards designs in other classes, two years from the date of the original registration thereof. Inspection of registered designs.

CANCELLATION OF DESIGNS USED FOR MANUFACTURE OUTSIDE THE UNITED KINGDOM.

70. An application for the cancellation of the registration of a design under section 58 of the Act shall be made on Form Designs No. 23, which shall, if so required by the comptroller, contain an address for service in the United Kingdom. The applicant shall simultaneously with, or as soon as may be after, the leaving of such application at the Office deliver, or cause to be delivered, to the registered proprietor of the design (hereinafter called the proprietor) or his agent a copy of such application, and furnish the comptroller with evidence of such delivery. Cancellation of designs used for manufacture outside the United Kingdom.

71. The proprietor shall within fourteen days from the delivery of such copy, or within such further time as the comptroller may allow, leave at the Office evidence, by way of statutory declaration, stating whether or not the allegations contained in the application are correct; and if they are incorrect, to what extent, and in what place the design is used for manufacture in the United Kingdom; and setting out in the event of the design not being used for manufacture in the United Kingdom to an adequate extent the reasons why it is not so used for manufacture. Procedure.

72. The proprietor shall deliver, or cause to be delivered, copies of such evidence to the applicant, and furnish the comptroller with evidence of such delivery. Copies of evidence.

73. Within fourteen days from the delivery of such copies, or within such further time as the comptroller may allow, the applicant shall, if he decides to proceed with his application, leave at the Office statutory declarations in answer, and so on leaving shall deliver to the proprietor or his agent copies thereof, and furnish the comptroller with evidence of such delivery. Evidence in answer.

74. No further evidence shall be left at the Office on either side except by leave, or on the requisition of the comptroller, and upon such terms, if any, as the comptroller may think fit. Closing of evidence.

Hearing.

75. On completion of the evidence, or at such other time as he may see fit, the comptroller shall appoint a time for the hearing of the case, and give the parties ten days' notice at least of such appointment, and in the event of his deciding to take evidence *vivâ voce* in lieu of, or in addition to, the evidence by declaration, or to allow any declarant to be cross-examined on his declaration, he may require the attendance of any declarant or other person whose evidence he may consider desirable.

INDUSTRIAL AND INTERNATIONAL EXHIBITIONS.

Notice of
exhibition.

76. Any person desirous of exhibiting a design or any article to which a design has been applied, at an industrial or international exhibition, which has been duly certified as such by the Board of Trade, or of publishing a description of a design during the period of the holding of such an exhibition, shall give the comptroller notice, on Form Designs No. 24, of his intention to exhibit the design or article or to publish a description of the design, as the case may be. For the purpose of identifying the design in the event of an application to register the same being subsequently made, the person lodging Form Designs No. 24 shall supply a brief description of the nature thereof, accompanied by a sketch, drawing, or specimen, and shall supply such other information as the comptroller may in each case require.

STATUTORY DECLARATIONS.

Form, &c., of
statutory
declaration.

77. The statutory declarations required by these Rules, or used in any proceedings thereunder, shall be headed in the matter or matters to which they relate, and shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered, and each paragraph shall, so far as possible, be confined to one subject. Every statutory declaration shall state the description and true place of abode of the person making the same, and shall bear the name and address of the person leaving it, and shall state on whose behalf it is left.

Manner in
which, and
person before
whom,
declaration is
to be taken.

78. Statutory declarations shall be made and subscribed as follows:—

- (a) In the United Kingdom, before any justice of the peace, or any commissioner or other officer authorised by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceeding;
- (b) In any other part of His Majesty's dominions, before any court, judge, justice of the peace, or any officer authorised by law to administer an oath there for the purpose of a legal proceeding; and

- (c) If made out of His Majesty's dominions before a British Minister, or person exercising the functions of a British Minister, or a Consul, Vice-Consul, or other person exercising the functions of a British Consul, or a notary public, or before a judge or magistrate.

79. Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person hereby authorised to take such declaration in testimony of such declaration having been made and subscribed before him, may be admitted by the comptroller without proof of the genuineness of any such seal or signature, or of the official character of such person or his authority to take such declaration.

Notice of seal of officer taking declaration to prove itself.

DESIGNS IN CLASSES 13, 14, AND 15.

80. All applications for registration of designs in Classes 13, 14, and 15 shall be lodged at the Office or left at or sent to the Manchester Branch Office, at the option of the applicant.

Application at Manchester.

81. Until the Board of Trade shall otherwise direct, the Manchester Branch Office (hereinafter called the Manchester Office) shall be the Manchester Branch of the Trade Marks Registry of the Patent Office, 48 Royal Exchange, Manchester, and applications for registration of designs in Classes 13, 14, and 15 and all communications intended to be made at or sent to the Manchester Office shall be addressed to the Keeper of Cotton Marks (hereinafter called the Keeper), at 48 Royal Exchange, Manchester.

Manchester Office.

82. All applications for registration of designs in Classes 13, 14, and 15, shall be in duplicate, and if the application be lodged at the Office, one copy shall forthwith be sent by the comptroller to the keeper; if the application be addressed to the keeper, he shall forthwith send one copy to the comptroller. One of the Forms of application shall be stamped and the other unstamped.

Applications in duplicate.

83. Applications in Class 15 for registration of designs consisting substantially of checks or stripes only, shall be made on Form Designs (Manchester) No. 2. If any doubt arises as to whether a design presented for registration on Form Designs (Manchester) No. 2 is a design consisting substantially of checks or stripes only, that doubt shall be determined by the comptroller.

Form of application for checks or stripes.

84. Applications in Classes 13 and 14 for registration of designs shall be made on Form Designs (Manchester) No. 1.

Form of application for designs other than checks or stripes.

85. There shall be kept at the Manchester Office a Register, to be called the Manchester Register, wherein the entries made shall be duplicates of the entries in the Register at the Office relating to designs registered in Classes 13 and 14 in the Third Schedule to the Designs Rules, 1890, of which the copyright shall be existing on the 1st January, 1908, and of those which shall be made on that date

Manchester Register.

and thereafter relating to designs registered in Classes 13, 14, and 15.

Alteration of register.

86. When any alteration or addition is made at the Office of or to an entry in the Register relating to a design included in those mentioned in Rule 85, the comptroller shall forthwith give notice thereof to the keeper, who shall alter the Manchester Register accordingly.

Notice of dispute.

87. Where a dispute arises with reference to a design entered in the Manchester Register, the parties thereto may give notice (in duplicate) to the keeper on the Form Designs (Manchester) No. 3, and he shall make a note in the Manchester Register of such request and shall send a copy of the note to the comptroller together with one copy of the notice. One copy of the Form Designs (Manchester) No. 3 shall be stamped and the other unstamped.

Procedure at Manchester.

88. All documents under these Rules shall, when they relate to designs in Classes 13, 14, and 15, be in duplicate, and may be lodged at the Office or left at or sent to the Manchester Office, at the option of the applicant or other person lodging or leaving or sending the same. All documents which the comptroller is directed to send may be sent from the Manchester Office by the keeper when they relate to designs in Classes 13, 14, and 15. When any document bears a fee-stamp, the duplicate may be unstamped.

APPEALS TO THE BOARD OF TRADE.

Appeal to Board of Trade.

89. When any person intends to appeal to the Board of Trade he shall, before doing so, apply to the comptroller for a hearing and may, if he considers it necessary, obtain the grounds of the comptroller's decision. Within one month from the date of such decision, or from the date of the issue of the grounds thereof, if such have been issued, he shall, if he is advised to appeal to the Board of Trade, lodge a notice of such his intention on Form Designs No. 25, accompanied by a copy of the form of application and six representations of the design applied for and a copy of the grounds of the comptroller's decision, if any grounds have been issued.

Grounds of appeal to be stated.

90. Such notice shall also be accompanied by a statement in writing of the grounds of appeal, and of the appellant's case in support thereof.

Transmission of notice.

91. A copy of the notice and all the accompanying documents shall also be forthwith sent by the appellant to the Secretary of the Board of Trade, No. 7, Whitehall Gardens, London.

Directions by Board.

92. The Board of Trade may thereupon give such directions (if any) as they may think fit with respect to parties and evidence, or otherwise, for the purpose of the hearing of the appeal by the Board of Trade.

Hearing of appeal.

93. Seven days' notice, or such shorter notice as the Board of Trade may in any particular case direct, of the time and place

appointed for the hearing shall be given by the Board of Trade to the comptroller and to the appellant. No appeal unless notice duly given.

94. No appeal shall be entertained of which notice has not been given within one month from the date of the decision appealed against, or such further time as the comptroller may allow, except by special leave of the Board of Trade.

APPLICATIONS TO AND ORDERS OF THE COURT.

95. Four clear days' notice of every application to the Court under section 72 of the Act for rectification of the Register of Designs shall be given to the comptroller. Notice to comptroller of application to rectify register.

96. Where an order has been made by the Court in any case under the Act, the person in whose favour such order has been made, or such one of them, if more than one, as the comptroller may direct, shall forthwith serve on the comptroller an Office copy of such order, together with Form Designs No. 26, if required. The Register may, if necessary, thereupon be rectified or altered by the comptroller. Order of Court.

97. Whenever an order is made by the Court under the Act, the comptroller may, if he thinks that the effect of such order should be made public, advertise a notice thereof in the Journal. Publication of Order of Court.

REPEAL.

98. All general rules relative to designs heretofore made by the Board of Trade under the Patents, Designs, and Trade Marks Acts, 1883 to 1902, and in force on the 31st day of December, 1907, shall be and they are hereby repealed as from that date, without prejudice, nevertheless, to anything done under such rules, or to any application or other matter then pending. Repeal.

Dated this 17th day of December, 1907.

D. Lloyd George,
President of the Board of Trade.

SCHEDULES.

FIRST SCHEDULE.

FEES.

The following fees shall be paid under the Act, so far as it relates to designs. Such fees must in all cases be paid before or at the time of the doing of the matter in respect of which they are to be paid:—

Subject or Proceeding.	Amount.	Corresponding Form.
	£ s. d.	
1. On application to register one design to be applied to a single article in a class, not being lace, and except articles in classes 13 to 15	0 5 0	Designs No. 2
2. On application to register one design to be applied to a set of articles in a class, not being lace	0 10 0	Designs No. 3
3. On application to register one design to be applied to lace or to register one design in class 15	0 1 0	Designs No. 4, or Designs (Manchester) No. 2
4. On application to register one design to be applied to a set of lace articles ...	0 2 0	Designs No. 5
5. On application to register one design in class 13 or class 14	0 2 6	Designs (Manchester) No. 1
6. On application to Comptroller to state grounds of decision and materials used under Rule 33	0 5 0	Designs No. 7
7. On extension of period of copyright under section 53 (2)	1 0 0	Designs No. 8
8. On application for extension of period of copyright under section 53 (3)	0 10 0	Designs No. 9
9. On extension of period of copyright under section 53 (3)	1 10 0	Designs No. 10
10. On joint application to enter name of subsequent proprietor, &c.	Same as registration fee.	Designs No. 11 or 12
11. On application to enter name of subsequent proprietor, &c., under Rule 44, for each design	0 10 0	Designs No. 13
12. On application of mortgagee, licensee, or other person having registered interest, for removal of his name	0 1 0	Designs No. 15
13. On application for entry of address for service or of new address	0 1 0	Designs No. 6 or 16
14. On application to correct clerical error ...	0 1 0	Designs No. 17
15. On application by proprietor or his representative for cancellation	0 1 0	Designs No. 18

Subject or Proceeding.	Amount.	Corresponding Form.
16. On application for search under section 57 when registration number is supplied	0 1 0	Designs No. 19
17. On application for search under section 57 when registration number is not supplied	0 2 6	Designs No. 20
18. On application for search under Rule 60	0 2 6	Designs No. 21
19. On application for Certificate of Comptroller for legal proceedings or other special purpose	0 5 0	Designs No. 22
20. On application for cancellation under section 58	1 0 0	Designs No. 23
21. On notice to Comptroller of intended exhibition of an unregistered design ...	0 5 0	Designs No. 24
22. On notice to Keeper under Rule 87 ...	0 2 6	Designs (Manchester) No. 3
23. On appeal from Comptroller to Board of Trade, in respect of each decision appealed against	0 5 0	Designs No. 25
24. For each entry in the Register of an alteration in pursuance of an Order of Court	0 5 0	Designs No. 26
25. Copy of Certificate of Registration, each copy	0 1 0	Designs No. 27
26. Inspection of Register or design where inspection is permitted, except inspection under the second paragraph of section 56 (1) of the Act, for each quarter of an hour	0 1 0	—
27. Office copy of design	Cost according to agreement.	—
28. For Office copy of documents, every 100 words	0 0 4 (but never less than 1s.)	—
29. For certifying Office copies, MSS. or printed	0 1 0	—

The fees to be paid on any proceeding at the Manchester Office shall be the same as for the similar proceeding at the London Office.

Dated this 17th day of December, 1907.

D. Lloyd George,
President of the Board of Trade.

Approved,

Joseph A. Pease,
J. H. Whitley,
Lords Commissioners of
His Majesty's Treasury.

SECOND SCHEDULE.

FORMS.

Subject.	Page.	Corre- sponding Fee.
Authorisation	225	—
Application for registration of design, not being lace and except articles in classes 13 to 15	226	1
Application for registration of set of designs, not being lace	227	2
Application for registration of a design to be applied to lace	228	3
Application for registration of design to be applied to a set of lace articles	229	4
Application for entry of address for service in Register	230	13
Request for statement of grounds of decision under Rule 33... ..	231	6
Certificate of registration	232	—
Extension of copyright for second period	233	7
Application for extension of copyright for third period	234	8
Extension of copyright for third period	235	9
Joint request by registered proprietor and assignee, &c., to enter the name of assignee, &c., in the Register...	236	10
Joint request by registered proprietor and assignee of design in class 9 to enter the name of assignee in the Register	237	10
Request to enter name of subsequent proprietor, &c., in the Register under Rule 44	238	11
Form of declaration in support of statement of case accompanying Form Designs No. 13... ..	239	—
Form of application under Rule 49 to vacate entry of name of mortgagee or licensee in Register	240	12
Form of application for alteration of address or address for service in Register... ..	241	13
Form of request for correction of clerical error in appli- cation to register, or for correction of clerical error under section 70	242	14
Form of application by registered proprietor to cancel entry in Register	243	15
Request for search under section 57 when registration number is supplied	244	16
Request for search under section 57 when registration number is not supplied	245	17
Request for search under Rule 60	246	18
Request for certificate for use in legal proceedings or other special purpose	247	19
Request for cancellation of registration under section 58	248	20
Notice of intended exhibition of an unregistered design	249	21
Application for registration of design in class 13 or class 14	250	5
Application for registration of a design in class 15 ...	251	3
Notice to Keeper under Rule 87	252	22
Appeal from Comptroller to the Board of Trade ...	253	23
Request for the Register to be altered in pursuance of an Order of the Court... ..	254	24
Application for copy of Certificate of Registration ...	255	25

FORM DESIGNS No. 1.

PATENTS AND DESIGNS ACT, 1907.

FORM OF AUTHORISATION.

(a) Here insert
names and ad-
dress of agent.

I have appointed (a) _____

of _____

(b) Here state to act as my agent for (b).
the particular
purpose for which
the agent is ap-
pointed.

(c) _____

(c) To be signed
by the person
appointing the
agent.

Address _____

Dated this _____ day of _____ 19 _____.

*To the Comptroller,**The Patent Office, Designs Branch,**25, Southampton Buildings, Chancery Lane,**London, W.C.*

FORM DESIGNS No. 2.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

5s.

**APPLICATION FOR REGISTRATION OF DESIGN (NOT
BEING LACE AND EXCEPT ARTICLES IN CLASSES
13 TO 15).**

(a) Here insert
legibly the name,
address, and call-
ing of the in-
dividual, firm, or
company.

You are hereby requested to register the accompanying design in
Class _____, in the name of (a) _____

_____ who claims to be the proprietor thereof.

The design is to be applied to _____

(Signed) _____

Dated this _____ day of _____ 19 _____.

To the Comptroller,

The Patent Office, Designs Branch,

25, Southampton Buildings, Chancery Lane,

London, W.C.

N.B.—THREE exactly similar representations or specimens of the design
should accompany this Form.

FORM DESIGNS No. 3.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

10s.

**APPLICATION FOR REGISTRATION OF DESIGN TO BE
APPLIED TO A SET (NOT BEING LACE).**

You are hereby requested to register the accompanying design for

(a) Here set
out the trade de-
scription of the
articles in the
set, as "A toilet
set."

(a) _____

(b) Here insert
legibly the name,
address, and call-
ing of the in-
dividual, firm, or
company.

being a set of articles in Class _____ in the name of (b) _____

of _____

who claims to be the proprietor thereof.

The design is to be applied to _____

(Signed) _____

Dated this _____ day of _____ 19 _____.

*To the Comptroller,
The Patent Office, Designs Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.*

N.B.—Four exactly similar representations or specimens of the design
should accompany this Form.

FORM DESIGNS No. 4.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

1s.

**APPLICATION FOR REGISTRATION OF A LACE DESIGN
IN CLASS 9.**

You are hereby requested to register the accompanying Lace design

(a) Here insert (without search) in Class 9, in the name of (a) _____
legibly the name,
address, and call-
ing of the in-
dividual, firm, or
company.

of _____

_____ who claims to be the proprietor thereof.

(Signed) _____

Dated this _____ day of _____ 19 _____.

*To the Comptroller,**The Patent Office, Designs Branch,**25, Southampton Buildings, Chancery Lane,**London, W.C.*

N.B.—THREE exactly similar representations or specimens of the design
should accompany this Form.

FORM DESIGNS No. 5.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

2s.

**APPLICATION FOR REGISTRATION OF A LACE DESIGN
IN CLASS 9 TO BE APPLIED TO A SET.**

(a) Here insert
legibly the name,
address, and call-
ing of the in-
dividual, firm, or
company.

You are hereby requested to register (without search) the accompanying
design for a set of lace articles in Class 9, in the name of (a) _____

_____ of _____

who claims to be the proprietor thereof.

(Signed) _____

Dated this _____ day of _____ 19 ____.

To the Comptroller,

The Patent Office, Designs Branch,

25, Southampton Buildings, Chancery Lane,

London, W.C.

N.B.—Four exactly similar representations or specimens of the design
should accompany this Form.

FORM DESIGNS No. 6.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

1s.

APPLICATION FOR ENTRY OF ADDRESS FOR SERVICE.

Design No. _____ registered
in Class _____.

I, _____
 of _____
 the registered proprietor of the design numbered as above, apply that my
 address for service may be entered in the Register of Designs as _____

Dated this _____ day of _____ 19 _____.

* _____

* Signature of
proprietor.

*To the Comptroller,
 The Patent Office, Designs Branch,
 25, Southampton Buildings, Chancery Lane,
 London, W.C.*

FORM DESIGNS No. 7.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

58.

**REQUEST FOR STATEMENT OF GROUNDS OF DECISION
UNDER RULE 33.**

Application for Design No. _____

in Class _____.

You are hereby requested under Rule 33 of the Designs Rules, 1908, to state in writing the grounds of your decision and the materials used by you in arriving at such decision.

(Signed) _____

Address _____

Dated this _____ day of _____ 19 _____.

*To the Comptroller,**The Patent Office, Designs Branch,**25, Southampton Buildings, Chancery Lane,**London, W.C.*

FORM D.O.No. 1.

PATENTS AND DESIGNS ACT, 1907.

SEAL OF
PATENT
OFFICE.

CERTIFICATE OF REGISTRATION OF DESIGN.

Rd. No. _____

The Patent Office, Designs Branch,
25, Southampton Buildings,
Chancery Lane,
London, W.C.,

This is to certify that the Design, of which a copy is annexed, has been registered as of the _____ day of _____, in respect of the application of such Design to articles comprised in Class _____, in pursuance of and subject to the provisions of the Patents and Designs Act, 1907, and the Designs Rules, 1908.

Comptroller-General of Patents,
Designs, and Trade Marks.

FORM DESIGNS No. 8.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

£1.

**EXTENSION OF COPYRIGHT IN DESIGN FOR THE
SECOND PERIOD OF FIVE YEARS.**

In accordance with the provisions of Section 53 (2) of the Patents and Designs Act, 1907, the prescribed fee of £1 for the extension of the copyright in the Design No. _____ in Class _____ is hereby lodged.

Dated this _____ day of _____ 19 _____

To the Comptroller,

The Patent Office, Designs Branch,

25, Southampton Buildings, Chancery Lane,

London, W.C.

N.B.—This Form must be indorsed with the name and address of the person lodging the same.

FORM DESIGNS No. 9.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

10s.

**APPLICATION FOR EXTENSION OF COPYRIGHT FOR
THE THIRD PERIOD OF FIVE YEARS.**

I, _____ the registered proprietor of Design
No. _____ in Class _____, hereby apply that the Copyright in
the Design in question may be extended for a third period of five years
in accordance with the provisions of Section 53 (3) of the Patents and
Designs Act, 1907.

(Signature) _____

(Address) _____

Dated this _____ day of _____ 19 _____.

*To the Comptroller,
The Patent Office, Designs Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.*

FORM DESIGNS No. 10.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

£1 10s.

**EXTENSION OF COPYRIGHT IN DESIGN FOR THE
THIRD PERIOD OF FIVE YEARS.**

In accordance with your notice of the _____
the prescribed fee of £1 10s. for the extension of the copyright in the
Design No. _____ in Class _____, for a third
period of five years is hereby lodged.

Dated this _____ day of _____ 19 _____.

*To the Comptroller,
The Patent Office, Designs Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.*

N.B.—This form must be indorsed with the name and address of the
person lodging the same.

FORM DESIGNS No. 11.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

Fee : item 10.

**JOINT REQUEST BY REGISTERED PROPRIETOR AND
ASSIGNEE OR MORTGAGEE OR LICENSEE, &c., TO
ENTER THE NAME OF ASSIGNEE, &c., IN THE
REGISTER OF DESIGNS UNDER RULE 43.**

(a) Name of
Registered Pro-
prietor.

(b) Address of
Registered Pro-
prietor.

(c) Name of
Assignee, &c.

(d) Address of
Assignee, &c.

(e) Name of
Assignee, &c.

(f) Trade or
business of As-
signee, &c.

(g) Business
Address of As-
signee, &c.

We, (a) _____, of (b) _____

and (c) _____, of (d) _____,

hereby request under Rule 43 of the Designs Rules, 1908, that the name

of (e) _____

carrying on business as (f) _____, at (g) _____

_____, may be entered in the Register of Designs as
proprietor (or mortgagee, or licensee, or as the case may be) of the Design

No. _____ in Class _____.

Dated this _____ day of _____ 19 ____.

(h) Signature
of Registered
Proprietor.

(i) Signature
of Assignee, &c.

(h) _____

(i) _____

To the Comptroller,

The Patent Office, Designs Branch,

25, Southampton Buildings, Chancery Lane,

London, W.C.

FORM DESIGNS No. 12.

PATENT'S AND DESIGNS ACT, 1907.

DESIGNS.

Fee item : 10.

**JOINT REQUEST BY REGISTERED PROPRIETOR AND
ASSIGNEE OF DESIGN IN CLASS 9 TO ENTER NAME
OF ASSIGNEE IN THE REGISTER OF DESIGNS.**I [*or We*], the undersigned registered proprietor[s] of Design No. _____

in Class 9, do hereby inform you that the proprietorship in the said Design

* Name of
Assignee.

has been sold to and acquired by* _____

† Address and
calling of As-
signee.

of † _____

and I [*or We*] request the Comptroller to enter the name of the said

_____ as registered proprietor[s]

in place of my [*or our*] name at present appearing in the Register.

(Signed) _____

Dated this _____ day of _____ 19 _____ .

And I [*or We*] the said _____

hereby confirm the above statement, and concur in the said request.

(Signed) _____

*To the Comptroller,**The Patent Office, Designs Branch,**25, Southampton Buildings, Chancery Lane,**London, W.C.*

FORM DESIGNS No. 13.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

10s.

REQUEST TO ENTER NAME OF SUBSEQUENT PROPRIETOR, OR OF MORTGAGEE OR OF LICENSEE, &c., OF DESIGN, IN THE REGISTER UNDER RULE 44.

(a) Or We
Here insert
name, address,
and calling.

I, (a) _____

(b) My or our.
(c) Or names.

hereby request that you will enter (b) _____ name (c) in the Register of

Designs as proprietor (or mortgagee, or licensee, or as the case may be) of the

design No. _____ in Class _____.

(d) I am or
We are.

(d) _____ entitled _____ to the said design.

(e) My or our. Accompanying this request is a statement of (e) _____ case.

* Signature.

* _____

Dated this _____ day of _____ 19 _____.

To the Comptroller,

The Patent Office, Designs Branch,

25, Southampton Buildings, Chancery Lane,
London, W.C.

FORM DESIGNS No. 14.

PATENTS AND DESIGNS ACT, 1907.

**FORM OF DECLARATION (ONLY TO BE FURNISHED
WHEN REQUESTED BY COMPTROLLER) IN SUPPORT
OF STATEMENT OF CASE ACCOMPANYING FORM
DESIGNS No. 13.**

I, _____
of _____
do hereby solemnly and sincerely declare that the particulars set out in the
statement of case, exhibit marked _____, and left by me in connection
with my request to be registered as _____
of the design No. _____ in Class _____, are true and comprise every
material fact and document affecting the above claim.

And I make this solemn declaration conscientiously believing the same
to be true, and by virtue of the provisions of the Statutory Declarations
Act, 1835.

(a) To be
signed here by
the person
making the de-
claration.

(a) _____

Declared at _____

this _____ day of _____ 19 _____

Before me,

(b) _____

(b) Signature
and title of the
authority before
whom the de-
claration is made.

*To the Comptroller,**The Patent Office, Designs Branch,**25, Southampton Buildings, Chancery Lane,**London, W.C.*

FORM DESIGNS No. 15.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

1s.

FORM OF APPLICATION UNDER RULE 49 TO VACATE
ENTRY OF NAME OF MORTGAGEE OR LICENSEE
IN REGISTER.

Design No. _____ Class _____

Name of Registered Proprietor _____

Place of Business _____

Description _____

I, the undersigned, _____
of _____

[or I, the undersigned, _____

a member of the Firm of _____

of _____

on behalf of my said Firm] _____

apply that the entry of my [or our] name in the Register of Designs

as _____ of the design No. _____ in Class _____ may

be vacated.

* Signature.

* _____

Dated this _____ day of _____ 19 _____.

*To the Comptroller,**The Patent Office, Designs Branch,**25, Southampton Buildings, Chancery Lane,**London, W.C.*

FORM DESIGNS No. 16.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

1s.

**APPLICATION FOR ALTERATION OF ADDRESS OR
ADDRESS FOR SERVICE IN REGISTER OF DESIGNS.**

Design No. _____ registered

in Class _____ .

I, _____

of _____

the registered proprietor of the design numbered as above apply that my
address [or my address for service] in the Register of Designs may be
altered to _____

Dated this _____ day of _____ 19 _____.

* Signature of
proprietor.

* _____

*To the Comptroller,**The Patent Office, Designs Branch,**25, Southampton Buildings, Chancery Lane,**London W.C.*

FORM DESIGNS No. 17.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

1s.

FORM OF REQUEST FOR CORRECTION OF CLERICAL
ERROR IN AN APPLICATION TO REGISTER, OR FOR
CORRECTION OF CLERICAL ERROR UNDER SEC-
TION 70.

I hereby request that _____

* Signature,

* _____

† Address.

† _____

Dated this _____ day of _____ 19 _____.

*To the Comptroller,
The Patent Office, Designs Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.*

FORM DESIGNS No. 18.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

1s.

**FORM OF APPLICATION BY REGISTERED PROPRIETOR
OF DESIGN TO CANCEL ENTRY IN REGISTER.**

Design No. _____ . Class _____ .

Name of Registered Proprietor _____

Place of Business _____

Description _____

I, the undersigned, _____
of _____[or I, the undersigned, _____
a member of the Firm of _____
of _____ on behalf of my
said Firm] _____apply that the entry in the Register of Designs of the Design No. _____
in Class _____ may be cancelled [or cancelled in respect of _____
_____].

* _____

* Signature.

Dated this _____ day of _____ 19 _____.

*To the Comptroller,**The Patent Office, Designs Branch,**25, Southampton Buildings, Chancery Lane,**London, W.C.*

FORM DESIGNS No. 19.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

1s.

**REQUEST FOR SEARCH UNDER SECTION 57 WHEN
REGISTRATION NUMBER IS SUPPLIED.**

I hereby request that I may be given such information as I may be entitled to under Section 57 of the Patents and Designs Act, 1907, with respect to the design registered under the No. _____.

(Signed) _____

(Address) _____

Dated this _____ day of _____ 19 ____.

*To the Comptroller,**The Patent Office, Designs Branch,**25, Southampton Buildings, Chancery Lane,**London, W.C.*

FORM DESIGNS No. 20.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

2s. 6d.

**REQUEST FOR SEARCH UNDER SECTION 57 WHEN
REGISTRATION NUMBER IS NOT SUPPLIED.**

I hereby request that a search may be made in Class _____ in respect of the design (annexed hereto in duplicate) and that I may be given such information as I may be entitled to under Section 57 of the Patents and Designs Act, 1907.

(Signed) _____

(Address) _____

Dated this _____ day of _____ 19____.

*To the Comptroller,**The Patent Office, Designs Branch,**25, Southampton Buildings, Chancery Lane,**London, W.C.*

FORM DESIGNS No. 21.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

2s. 6d.

REQUEST FOR SEARCH UNDER RULE 60.

I hereby request that a search may be made in Class _____ and
that I may be informed whether the Design (annexed hereto in duplicate) to
be applied to _____

is or is not, in the Comptroller's opinion, identical with or an obvious
imitation of any registered design applied to such goods of which the copy-
right is still existing.

(Signed) _____

(Address) _____

Dated this _____ day of _____ 19__.

*To the Comptroller,**The Patent Office, Designs Branch,**25, Southampton Buildings, Chancery Lane,**London, W.C.*

FORM DESIGNS No. 22.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

5s.

**REQUEST FOR CERTIFICATE FOR USE IN LEGAL
PROCEEDINGS OR OTHER SPECIAL PURPOSE.**

Design No. _____, registered in Class _____

in the name of _____

I, _____
of _____

the registered proprietor of the above Design, hereby request you to furnish

me with your Certificate for use in * _____

* Here state the purpose for which the certificate is required, i.e., whether for use is legal proceedings (if so, state title of proceedings) or for what other purpose.

† Signature.

† _____

Dated this _____ day of _____ 19 ____.

*To the Comptroller,**The Patent Office, Designs Branch,**25, Southampton Buildings, Chancery Lane,**London, W.C.*

FORM DESIGNS No 23.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

£1.

**REQUEST FOR CANCELLATION OF THE REGISTRATION
OF A DESIGN UNDER SECTION 58.**

Design No. _____ in Class _____.

I, _____
 of _____
 hereby apply that the registration of Design No. _____ in Class _____
 may be cancelled on the ground that it is used for manufacture exclusively
 or mainly outside the United Kingdom.

My address for service in the United Kingdom is _____

(Signed) _____

Dated this _____ day of _____ 19 _____.

*To the Comptroller,**The Patent Office, Designs Branch,**25, Southampton Buildings, Chancery Lane,**London, W.C.*

FORM DESIGNS No. 24.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

58.

NOTICE OF INTENDED EXHIBITION OF AN UNREGISTERED DESIGN.

(a) Here state
name and address of applicant.

(a) _____

hereby give notice of my intention to exhibit a _____
of _____ at the _____ Exhibition

(b) State
"opened" or "is
to open."

(which (b) _____ on _____ 19 _____), under
the provisions of the Patents and Designs Act, 1907.

(c) Insert brief
description of
Design, with
Drawings if
necessary.

(c) _____

_____ herewith enclose a _____

(Signed) _____

Dated this _____ day of _____ 19 _____.

*To the Comptroller,**The Patent Office, Designs Branch,**25, Southampton Buildings, Chancery Lane,**London, W.C.*

FORM DESIGNS (MANCHESTER) No. 1.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

2s. 6d.

**APPLICATION FOR REGISTRATION OF DESIGN IN
CLASS 13 OR CLASS 14.***(This application must be accompanied by an unstamped duplicate.)*

You are hereby requested to register the accompanying design in

(a) Here insert
legibly the name,
address, and call-
ing of the in-
dividual, firm, or
company.

Class _____ in the name of (a) _____
_____ of _____

who claims to be the proprietor thereof.

(b) Here state
the kind of goods,
i.e. "piece
goods" or "hand-
kerchiefs and
shawls."

The design is to be applied to (b) _____

(Signed) _____

Dated this _____ day of _____ 19 ____.

* Strike out
one of these
addresses.

* To the Comptroller,

*The Patent Office, Designs Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.*

or

* To the Keeper of Cotton Marks,

*48, Royal Exchange,
Manchester.*

N.B.—Six exactly similar representations or specimens of the design
should accompany this Form.

FORM DESIGNS (MANCHESTER) No. 2.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

1s.

**APPLICATION FOR REGISTRATION OF DESIGN
IN CLASS 15.***(This application must be accompanied by an unstamped duplicate.)*

(a) Here insert
legibly the name,
address, and call-
ing of the indi-
vidual, firm, or
company.

You are hereby requested to register the accompanying design (without
search) in Class 15, in the name of (a) _____

of _____

who claims to be the proprietor thereof.

This design consists substantially of the checks or stripes only.

(Signed) _____

Dated this _____ day of _____ 19 ____ .

* Strike out
one of these
addresses.

** To the Comptroller,
The Patent Office, Designs Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.*

or

** To the Keeper of Cotton Marks,
48, Royal Exchange,
Manchester.*

N.B.—Six exactly similar representations or specimens of the design
should accompany this Form.

FORM DESIGNS (MANCHESTER) No. 3.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

2s. 6d.

NOTICE TO KEEPER UNDER RULE 87.*(This notice must be accompanied by an unstamped duplicate.)*

We, _____

of _____

and _____

of _____

hereby give you notice that a dispute has arisen between us about the Design (or Designs) numbered _____ in Class _____, and that we have made a joint request to the Manchester Chamber of Commerce to appoint a single arbitrator (*or as the case may be*) to decide and make an award upon the merits of that dispute, inclusive of an award as to any damages or costs to be paid by one party to the other, and we have consented, and as evidence thereof we have signed this Notice, that such award, when made, shall be final and binding upon us, and that except for the purpose of enforcing such award we shall have no right to appeal, and none of us will make any application to any Court of Law or other authority in respect of the subject matter of such award or of anything contained in it, and that no Court of Law or other authority shall entertain or be asked to entertain any such appeal or application.

(Signed) { _____

Dated this _____ day of _____ 19 _____.

*To the Keeper of Cotton Marks,**48, Royal Exchange,**Manchester.*

FORM DESIGNS No. 25.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

5s.

**APPEAL FROM COMPTROLLER TO THE BOARD OF
TRADE.**

I HEREBY appeal against your decision in connection with my applica-
tion to register _____

(a) The state-
ment of the case
to be written
upon foolscap
paper (on one
side only), with
a margin of ap-
proximately two
inches on the
left-hand side
thereof.

and beg to submit my case (a) for the decision of the Board of Trade.

Signed _____

(Address) _____

Dated this _____ day of _____ 19 ____.

To the Comptroller,

The Patent Office, Designs Branch,

25, Southampton Buildings, Chancery Lane,

London, W.C.

N.B.—An unstamped copy of this notice and of all the accompanying documents must be sent forthwith by the appellant to the Secretary of the Board of Trade, No. 7, Whitehall Gardens, London.

FORM DESIGNS No. 26.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

5s.

**REQUEST FOR THE REGISTER TO BE ALTERED IN
PURSUANCE OF AN ORDER OF THE COURT.**

Design No. _____ in Class _____.

I HEREBY request you to alter the entry in the Register of
Designs in accordance with the terms of the Order of the Court
dated _____ an office copy of which is sent
herewith.

(Signed) _____

(Address) _____

Dated this _____ day of _____ 19____.

*To the Comptroller,
The Patent Office, Designs Branch,
25, Southampton Buildings, Chancery Lane,
London, W.C.*

FORM DESIGNS No. 27.

PATENTS AND DESIGNS ACT, 1907.

DESIGNS.

1s.

APPLICATION FOR COPY OF CERTIFICATE OF
REGISTRATION OF DESIGN.

I HEREBY request you to furnish me with a Copy Certificate of Registration of Design No. _____ in Class _____.

(Signed) _____

(Address) _____

Dated this _____ day of _____ 19 _____.

*To the Comptroller,**The Patent Office, Designs Branch,**25, Southampton Buildings, Chancery Lane,**London, W.C.*

Dated this 17th day of December, 1907.

D. Lloyd George,

President of the Board of Trade

THIRD SCHEDULE.

CLASSIFICATION OF GOODS.

CLASS 1.—Articles composed wholly of metal or in which metal predominates, not included in Class 2.

CLASS 2.—Jewellery.

CLASS 3.—Articles composed wholly of wood, bone, ivory, papier maché, or other solid substances not included in other classes, or of materials in which such substances predominate.

CLASS 4.—Articles composed wholly of glass, earthenware, or porcelain, bricks, tiles, or cement, or in which such materials predominate.

CLASS 5.—Articles composed wholly of paper (except paper hangings), card-board, mill-board or straw-board, or in which such materials predominate.

CLASS 6.—Articles composed wholly of leather or in which leather predominates, and bookbinding of all materials.

CLASS 7.—Paper hangings.

CLASS 8.—Carpets and rugs in all materials, floorcloths, and oilcloths.

CLASS 9.—Lace.

CLASS 10.—Hosiery.

CLASS 11.—Millinery and wearing apparel, including boots and shoes.

CLASS 12.—Ornamental needlework on muslin or other textile fabrics.

CLASS 13.—Printed or woven designs on textile piece goods (other than checks or stripes).

CLASS 14.—Printed or woven designs on handkerchiefs and shawls (other than checks or stripes).

CLASS 15.—Printed or woven designs (on textile piece goods or on handkerchiefs or shawls) being checks or stripes.

CLASS 16.—Goods not included in other classes.

Dated this 17th day of December, 1907.

D. Lloyd George,
President of the Board of Trade.

INTERPRETATION ACT, 1889, EXTRACTS FROM.

[52 & 53 VICT. CH. 62.]

An Act for consolidating enactments relating to the Construction of Acts of Parliament and for further shortening the Language used in Acts of Parliament.

[30th August, 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Re-enactment of existing Rules.

1.—(1) In this Act and in every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, unless the contrary intention appears,—

Rules as to gender and number.

(a) words importing the masculine gender shall include females; and

(b) words in the singular shall include the plural, and words in the plural shall include the singular.

(2) The same rules shall be observed in the construction of every enactment relating to an offence punishable on indictment or on summary conviction, when the enactment is contained in an Act passed in or before the year one thousand eight hundred and fifty.

2.—(1) In the construction of every enactment relating to an offence punishable on indictment or on summary conviction, whether contained in an Act passed before or after the commencement of this Act, the expression "person" shall, unless the contrary intention appears, include a body corporate.

Application of penal Acts to bodies corporate.

(2) Where under any Act, whether passed before or after the commencement of this Act, any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where that body is the party aggrieved.

3. In every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of

Meanings of certain words

in Acts since
1850.

this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them ; namely,—

The expression “ month ” shall mean calendar month :

The expression “ land ” shall include messuages, tenements, and hereditaments, houses, and buildings of any tenure :

The expressions “ oath ” and “ affidavit ” shall, in the case of persons for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration, and the expression “ swear ” shall, in the like case, include affirm and declare.

Sections to be
substantive
enactments.

8. Every section of an Act shall have effect as a substantive enactment without introductory words.

Acts to be
public Acts.

9. Every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, shall be a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by the Act.

Amendment or
repeal of Acts
in same
session.

10. Any Act may be altered, amended, or repealed in the same session of Parliament.

Effect of repeal
in Acts passed
since 1850.

11.—(1) Where an Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, repeals a repealing enactment, it shall not be construed as reviving any enactment previously repealed, unless words are added reviving that enactment.

(2) Where an Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, repeals wholly or partially any former enactment and substitutes provisions for the enactment repealed, the repealed enactment shall remain in force until the substituted provisions come into operation.

New General Rules of Construction.

Official defini-
tions in past
and future
Acts.

12. In this Act, and in every other Act whether passed before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely :—

(1) The expression “ the Lord Chancellor ” shall, except when used with reference to Ireland only, mean the Lord High Chancellor of Great Britain for the time being, and when used with reference to Ireland only, shall mean the Lord Chancellor of Ireland for the time being.

(2) The expression “ the Treasury ” shall mean the Lord High Treasurer for the time being or the Commissioners for the time being of Her Majesty’s Treasury.

(3) The expression "Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State for the time being.

(4) The expression "the Admiralty" shall mean the Lord High Admiral of the United Kingdom for the time being, or the Commissioners for the time being for executing the office of Lord High Admiral of the United Kingdom.

(5) The expression "the Privy Council" shall, except when used with reference to Ireland only, mean the Lords and others for the time being of Her Majesty's Most Honourable Privy Council, and when used with reference to Ireland only, shall mean the Privy Council of Ireland for the time being.

13. In this Act and in every other Act whether passed before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1) The expression "Supreme Court," when used with reference to England or Ireland, shall mean the Supreme Court of Judicature in England or Ireland, as the case may be, or either branch thereof.

(2) The expression "Court of Appeal," when used with reference to England or Ireland, shall mean Her Majesty's Court of Appeal in England or Ireland, as the case may be.

(3) The expression "High Court," when used with reference to England or Ireland, shall mean Her Majesty's High Court of Justice in England or Ireland, as the case may be.

(6) The expression "the Summary Jurisdiction Act, 1848," shall mean the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders."

(7) The expression "the Summary Jurisdiction (England) Acts" and the expression "the Summary Jurisdiction (English) Acts" shall respectively mean the Summary Jurisdiction Act, 1848, and the Summary Jurisdiction Act, 1879, and any Act, past or future, amending those Acts or either of them.

11 & 12 Vict.
c. 43.
42 & 43 Vict.
c. 49.

(8) The expression "the Summary Jurisdiction (Scotland) Acts" shall mean the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Act, past or future, amending those Acts or either of them.

27 & 28 Vict.
c. 33.
44 & 45 Vict.
c. 33.

(9) The expression "the Summary Jurisdiction (Ireland) Acts" shall mean, as respects the Dublin Metropolitan Police District, the Acts regulating the powers and duties of justices of the peace or of the police of that district, and as respects any other part of Ireland, the Petty Sessions (Ireland) Act, 1851, and any Act, past or future, amending the same.

14 & 15 Vict.
c. 93.

(10) The expression "the Summary Jurisdiction Acts" when

used in relation to England or Wales shall mean the Summary Jurisdiction (England) Acts, and when used in relation to Scotland the Summary Jurisdiction (Scotland) Acts, and when used in relation to Ireland the Summary Jurisdiction (Ireland) Acts.

(11) The expression "court of summary jurisdiction" shall mean any justice or justices of the peace, or other magistrate, by whatever name called, to whom jurisdiction is given by, or who is authorised to act under, the Summary Jurisdiction Acts, whether in England, Wales, or Ireland, and whether acting under the Summary Jurisdiction Acts or any of them, or under any other Act, or by virtue of his commission, or under the common law.

Meaning of
"rules of
court."

14. In every Act passed after the commencement of this Act, unless the contrary intention appears, the expression "rules of court" when used in relation to any court shall mean rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court, and as regards Scotland shall include acts of adjournal and acts of sederunt.

The power of the said authority to make rules of court as above defined shall include a power to make rules of court for the purpose of any Act passed after the commencement of this Act, and directing or authorising anything to be done by rules of court.

Geographical
and colonial
definitions in
future Acts.

18. In this Act, and in every Act passed after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1) The expression "British Islands" shall mean the United Kingdom, the Channel Islands, and the Isle of Man.

(2) The expression "British possession" shall mean any part of Her Majesty's dominions exclusive of the United Kingdom, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession.

(3) The expression "colony" shall mean any part of Her Majesty's dominions exclusive of the British Islands, and of British India, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony.

Meaning of
"person" in
future Acts.

19. In this Act and in every Act passed after the commencement of this Act the expression "person" shall, unless the contrary intention appears, include any body of persons corporate or unincorporate.

Meaning of
"writing" in
past and future
Acts.

20. In this Act and in every other Act whether passed before or after the commencement of this Act expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography, and

other modes of representing or reproducing words in a visible form.

21. In this Act, and in every other Act, whether passed before or after the commencement of this Act, the expression "statutory declaration" shall, unless the contrary intention appears, mean a declaration made by virtue of the Statutory Declarations Act, 1835.

Meaning of "statutory declaration" in past and future Acts, 5 & 6 Will. 4, c. 62.

26. Where an Act passed after the commencement of this Act authorises or requires any document to be served by post, whether the expression "serve," or the expression "give" or "send," or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Meaning of service by post.

30. In this Act and in every other Act, whether passed before or after the commencement of this Act, references to the Sovereign reigning at the time of the passing of the Act or to the Crown shall, unless the contrary intention appears, be construed as references to the Sovereign for the time being, and this Act shall be binding on the Crown.

References to the Crown.

31. Where any Act, whether passed before or after the commencement of this Act, confers power to make, grant, or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws, expressions used in the instrument, if it is made after the commencement of this Act, shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power.

Construction of statutory rules, &c.

32.—(1) Where an Act passed after the commencement of this Act confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

Construction of provisions as to exercise of powers and duties.

(2) Where an Act passed after the commencement of this Act confers a power or imposes a duty on the holder of an office, as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office.

(3) Where an Act passed after the commencement of this Act confers a power to make any rules, regulations, or bye-laws, the power shall, unless the contrary intention appears, be construed as including a power, exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend, or vary the rules, regulations, or byelaws.

36.—(1) In this Act, and in every Act passed either before or after the commencement of this Act, the expression "commencement," when used with reference to an Act, shall mean the time at which the Act comes into operation.

"Commencement."

(2) Where an Act passed after the commencement of this Act, or any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws made, granted, or issued, under a power conferred by any such Act, is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day.

Exercise of
statutory
powers be-
tween passing
and commence-
ment of Act.

37. Where an Act passed after the commencement of this Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant, or issue any instrument, that is to say, an Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws, to give notices, to prescribe forms, or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act, so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to this restriction, that any instrument made under the power shall not, unless the contrary intention appears in the Act, or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation.

Effect of
repeal in future
Acts.

38.—(1) Where this Act or any Act passed after the commencement of this Act repeals and re-enacts, with or without modification, any provisions of a former Act, references in any other Act to the provisions so repealed, shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.

(2) Where this Act or any Act passed after the commencement of this Act repeals any other enactment, then, unless the contrary intention appears, the repeal shall not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect ; or
- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed ; or
- (c) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed ; or
- (d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed ; or
- (e) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid ;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if the repealing Act had not been passed.

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